

THE MADRAS LEGISLATIVE COUNCIL.

Thursday, 13th December 1923.

The House met at 11 o'clock, the President (the hon. Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR, K.C.S.I., C.I.E.) in the Chair.

I

QUESTIONS AND ANSWERS.

[Order made by the President of the Madras Legislative Council under Standing Order No. 15—

- (1) Printed copies of the questions and answers to be put and given at a meeting of the Council shall be placed on the Council table an hour before the President takes his seat.
- (2) The questions and answers shall be arranged in order of subjects.

The Secretary shall call the name of each interpellator in the order in which the names are printed, specify the serial numbers of his questions and make a sufficient pause to allow him or any other member a reasonable opportunity of rising in his place if he is desirous of asking a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.]

BANK.

The Imperial Bank fraud case.

29 Q.—Mr. S. SATYAMURTI: Will the hon. the Law Member be pleased to state—

(a) the circumstances, in full, under which Mr. Nugent Grant was permitted by the Government to assist the hon. the Advocate-General in the conduct of the Imperial Bank fraud case;

(b) whether the Crown Prosecutor was consulted in the matter, and if so, what his opinion was; and

(c) whether there is any precedent in Madras for an Advocate paid by a private party being allowed to assist the conduct of the case for the Crown?

A.—(a) In view of the complexity and importance of the case and the various interests involved the Government, whilst entrusting the conduct of the case to the Advocate-General, considered that he should have the assistance of other counsel who had assisted in the preparation of the case and was fully cognisant with the facts thereof.

(b) No.

(c) No.

Mr. S. SATYAMURTI:—"May I ask, Sir, a supplementary question whether the hon. the Law Member will be so good as to say whether the Crown Prosecutor's duties do not include appearing for the Crown in such cases and whether he is not paid for that purpose?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Mr. President, the Crown Prosecutor's duties, strictly speaking, are confined to the Sessions, but normally he appears in the Magistrates' Courts also. He was asked to appear, but he declined to appear for reasons more or less personal to him."

Mr. S. SATYAMURTI:—"May I ask the hon. the Law Member to be so good as to state the reasons why a public officer refused to do a public duty which his predecessors and he have been normally doing?"

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The hon. Mr. C. P. RAMASWAMI AYYAR :—" I require notice of that, Sir ; and if a question is put in the proper form, a statement will be made."

Mr. S. SATYAMURTI :—" May I know, Sir, whether the hon. the Law Member thinks it is consistent with the statutory power vested in the hon. the Advocate-General, to enter a *nolle prosequi* in a Sessions case of this kind when it comes before the High Court, and also with the statutory power vested in him to grant a certificate for further consideration of points of law in Sessions cases and consistent with the interests of justice that a statutory officer of that position should be asked to conduct what is practically a private prosecution, although it is called a Crown case ? "

The hon. Mr. C. P. RAMASWAMI AYYAR :—" There are delicate problems arising out of that situation in which the Advocate-General finds himself placed. But the uniform practice of every High Court in India is that in every heavy Sessions case the Advocate-General by right appears. It was after consulting those precedents that the hon. the Advocate-General was asked to conduct this very heavy case."

ESTATES LAND ACT.

Revision of the Madras Estates Land Act.

30 Q.—Rao Bahadur A. S. KRISHNA RAO PANTULU : Will the hon. the Law Member be pleased to state—

- (i) whether the Madras Estates Land Act was taken up for revision during the last term of the Council and, if so, when ;
- (ii) whether a committee was appointed to consider about amendments to the Madras Estates Land Act, and, if so, when ;
- (iii) when the committee began and concluded its sittings ;
- (iv) whether the committee submitted its report to the Government, and if so, when ; and
- (v) what action, if any, has been taken by the Government on that report ?

A.—(i) Yes, in March 1921.

(ii), (iii) & (iv) An informal committee of non-officials representing various interests was convened in October 1922 to consider a Bill drafted by Government. It held its sittings from the 4th October 1922 to the 23rd October 1922. The minutes recorded at their sittings were communicated to Government by the end of October 1922.

(v) Their recommendations were duly considered by the Government and the Bill has been revised which is now under the consideration of Government.

HIGH COURT.

Official Referee of the Madras High Court.

31 Q.—Mr. S. SATYAMURTI : Will the hon. the Law Member be pleased to state the number of cases disposed of by the Official Referee of the Madras High Court for the last six months ?

A.—The High Court has been asked to furnish the figures.

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Increase in the number of Judges of the High Court.

32 Q.—Mr. S. SATYAMURTI : Will the hon. the Law Member be pleased to state whether the Government have received any proposal from the High Court for an increase in the number of Judges ?

A.—No formal proposals have been received as yet.

Mr. S. SATYAMURTI :—“ May I know, Sir, if any informal proposals have been received by the Government to increase the number of Judges of the High Court ? ”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ A suggestion which may mature into an informal proposal has been made.”

Mr. S. SATYAMURTI :—“ May I know, Sir, what, according to that suggestion which may mature into an informal proposal, the number of Judges to be increased is ? ”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ Two.”

IRRIGATION.

Total irrigable area of the Godavari delta.

33 Q.—Rai Bahadur Sir K. VENKATAREDDI NAYUDU : Will the hon. the Law Member be pleased to state—

- (a) what the ultimate area under the Godavari project is ;
- (b) how much of it is actually under irrigation at present ;
- (c) what is the extent irrigable but not irrigated ;
- (d) whether improvements to canals and channels cannot be effected to bring the area referred to in (c) above under irrigation ;
- (e) what would be the extra revenue that can be realized by Government by irrigating lands referred to in (c) above ; and
- (f) whether the shutters of the Godavari anicut cannot be improved (as already ordered in the case of Kistna anicut) so as to afford facilities for letting in more water into the canals in order to bring the lands mentioned in (c) above under irrigation ?

A.—(a) 840,000 acres.

(b) 782,659 acres.

(c) 57,341 acres.

(d) Yes. The subject is receiving attention.

(e) Information is not available.

(f) This will be considered in connexion with (d).

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—“ With reference to my question 33 (e) the Government have given the answer : ‘ Information is not available ’. May I ask, Sir, whether that information will be called for ? ”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ It can be called for and will be.”

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LOCAL SELF-GOVERNMENT.

Gudur water-supply scheme.

34 Q.—Rao Bahadur A. S. KRISHNA RAO PANTULU : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) when the water-supply scheme in Gudur, Nellore district, was taken up for investigation ;

(b) whether any wells have been constructed or other works carried out under that scheme, and, if so, at what cost ;

(c) what amount of money has been hitherto spent for the investigation of that scheme ; and

(d) whether the scheme has been abandoned, and if so, for what reasons ?

A —(a) A scheme for the supply of water to Gudur was first drawn up by the Sanitary Engineer in 1904. The source proposed having proved a failure on subsequent investigation, the Government ordered a further investigation of all likely sources of supply in 1909.

(b) & (c) Two suction wells were constructed in order to test the yield and quality of the water-supply. In December 1918, the Sanitary Engineer reported that the amount actually spent on the wells was Rs. 18,117 and that the work remaining to be done to complete the wells would cost Rs. 6,716. In February 1919, an estimate of Rs. 5,500 for completing both the suction wells and for putting down a boring in the centre of each of the two wells was approved by the Government.

(d) The scheme was dropped in June 1921, as the Gudur Union Board was reported by the hon. Member as President of the District Board not to be in a position to contribute anything towards the capital cost of the scheme which had risen from the original estimate of Rs. 1.13 lakhs to Rs. 3.46 lakhs. The President of the District Board was duly apprised of the fact.

Mangalore water-supply scheme.

35 Q.—Rao Sahib U. RAMA RAO : Will the hon. the Minister for Local Self-Government be pleased to state—

(i) in what stage the Mangalore water-supply scheme is at present, and whether any plans and estimates have been prepared and sanctioned ;

(ii) when the scheme is likely to be put into execution ; and

(iii) whether the Government are aware that typhoid fever is always endemic in Mangalore and that the cause is attributed mainly to lack of good water-supply ?

A.—(i) & (ii) A scheme for the supply of water to Mangalore from the springs in the Hassamer valley has been under investigation for some time ; proposals have been received from the Sanitary Engineer for continuing the investigation. These are now under consideration. Detailed plans and estimates have not yet been prepared for the scheme.

(iii) The Government have no information.

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Rao Sahib U. RAMA RAO :—“ Will the Government be pleased to call for the information, Sir ? ”

The hon. the RAJA OF PANAGAL :—“ The Government have no objection to call for the information.”

Indigenous systems of medicine.

36 Q.—Mr. B. RAMACHANDRA REDDI: Will the hon. the Minister for Local Self-Government be pleased to state—

(1) whether any provision was made in the budget for 1923-24 for the improvement of indigenous systems of medicine ;

(2) if the answer is in the affirmative what was the amount so allotted ;

(3) whether any amount out of the allotted sum has been spent till now or is likely to be spent before the end of March 1924 ; and

(4) if the answers are in the affirmative, in what directions the amount has been spent or is likely to be spent ?

A.—No provision was made in the budget for 1923-24 for the improvement of indigenous systems of medicine, but a sum of Rs. 1,191 was provided by re-appropriation to meet the expenditure incurred by the committee appointed to report on the subject.



37 Q.—Mr. S. SATYAMURTI: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether he has considered the effect of the voting of the Council on the ‘ No-Confidence ’ motion of Mr. C. Ramalinga Reddi, and

(b) if he proposes to take any action thereon ?

A.—The reply to (a) is in the affirmative and to (b) in the negative.

Mr. S. SATYAMURTI :—“ May I ask the hon. the Minister for Local Self-Government whether he has placed the figures of the voting of the Council on the ‘ No-Confidence ’ Motion of Mr. C. Ramalinga Reddi before His Excellency the Governor, or the Cabinet in his official capacity ? ”

The hon. the RAJA OF PANAGAL :—“ His Excellency must have seen the figures in the proceedings of the Council meeting.”

Mr. S. SATYAMURTI :—“ That is not an answer to my question, Sir, if I may say so respectfully. I shall repeat my question for the hon. Member’s information. I ask him whether in his official capacity, as the hon. the Minister for Local Self-Government, otherwise called the hon. the Chief Minister, he has placed the figures of the voting before His Excellency the Governor, or the Cabinet.”

The hon. the PRESIDENT :—“ Will the hon. Member please tell me how it arises from the main question ? ”

Mr. S. SATYAMURTI :—“ I take it, Sir, that the Minister, in any action he might propose to take upon that, will be guided as the Statute clearly provides, and as the practice of this Government also shows, by the advice of His

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Excellency the Governor as well as by the opinions he receives from his colleagues in the Cabinet. Before he answers my question whether he proposes to take any action, I presume that he would have normally placed the figures of voting before His Excellency the Governor and his colleagues in the Cabinet and asked their advice. I am asking, therefore, whether he did so in that capacity."

The hon. the RAJA OF PANAGAL :—" There was no necessity for my placing the figures before His Excellency, and so I did not."

Mr. S. SATYAMURTI :—" May I ask the hon. the Chief Minister one more question, Sir? Subsequent to the voting on the ' No-Confidence ' Motion, three capital incidents have happened in this House; first, the defeat of the Court-fees Act Amendment Bill introduced by the hon. the Law Member and seconded by the hon. the Minister for Education; secondly, the voting upon the Coimbatore water-supply scheme where the Ministry had a majority of four; and lastly, Sir, the voting yesterday on the amendment of Mr. O. Tanikachala Chettiyar to my Motion to boycott the British Empire Exhibition, where we had an elected majority of ten members on our side. I ask him whether, with his knowledge of constitutional precedents and the working of the Reforms Act in this country and the working of responsible government in other countries, he still considers he has got a working majority to occupy his position as Chief Minister."

The hon. the PRESIDENT :—" It is very clear the hon. Member has delivered a speech instead of putting a supplementary question. Secondly, assuming that it is a question, it is far beyond the range of what is understood to be a supplementary question, and, therefore, I cannot allow this to go on."

TAXATION.

Enhancement of salt tax.

38 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Member for Finance be pleased to state whether the Government authorized their representative in the Imperial Legislative Assembly, Mr. Moir, to express their approval of the enhancement of the salt tax, subject to or free of any qualifications?

A.—The Government gave no specific instructions to Mr. Moir nor did he express their approval of the enhancement of the salt tax. Individual members of the Government were, however, aware that he proposed to support the Finance Bill in the hope thereby of securing a remission of part of the Madras contribution to the Government of India, and they approved his attitude for the following among other reasons :—

The revenue anticipated in a normal year from the restoration of the salt tax to the old rate of Rs. 2-8-0 per maund was six crores of rupees. If that sum had been applied to the reduction of the Provincial contributions, the amount due to Madras would have been Rs. 268 lakhs. The salt tax payable by the Madras Presidency at Rs. 1-4-0 a maund on a normal consumption of 16 pounds per head of the population is Rs. 104 lakhs. It was considered preferable for Imperial taxation to be imposed on the whole of India than for the

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Presidency to pay, out of the taxes assigned to the Provincial Government, a most disproportionately heavy contribution towards the expenses of the Government of India.

Mr. A. RANGANATHA MUDALIYAR :—“ May I know, Sir, who the individual members of the Government were who were aware of the intention on the part of Mr. Moir ? ”

The hon. Sir CHARLES TODHUNTER :—“ I can answer for myself, Sir ; but, at this distance of time, I cannot speak exactly on behalf of my hon. Colleagues.”

Mr. S. SATYAMURTI :—“ May I ask whether the hon. the Finance Member had any formal or informal communication with Mr. Moir after he became aware of his support to the enhancement of the salt tax ? ”

Mr. C. RAMALINGA REDDI :—“ May I ask, Sir, the Leader of the House, with your permission. . . . ”

Mr. S. SATYAMURTI :—“ On a point of order. I should like to have my question answered, Sir.”

The hon. the PRESIDENT :—“ Two or three supplementary questions may be put ; there is no harm in that.”

Mr. C. RAMALINGA REDDI :—“ If I have interrupted my hon. Friend, I beg his pardon. I ask the hon. the Leader of the House, not as the Finance Member, but as the Leader of the House, whether or not it is a fact that our Government was consulted by the Government of India with respect to the enhancement of the salt duty, and whether in that connexion the hon. the Ministers were not consulted, and whether they did not give their approval either with or without conditions ? ”

The hon. Sir CHARLES TODHUNTER :—“ So far as I can recollect, Sir, there was no consultation by the Government of India with this Government. As regards Mr. Satyamurti's question, I am sorry I did not understand it.”

Mr. S. SATYAMURTI :—“ I shall repeat my question, Sir. Did the hon. the Finance Member communicate with Mr. Moir formally or informally after he became aware of the proposal of Mr. Moir to express his approval of the enhancement of the salt tax, and if so, what did he tell him ? ”

The hon. Sir CHARLES TODHUNTER :—“ Mr. Moir sent an informal communication to me and I told him that I agreed with his sentiments.”

Mr. S. SATYAMURTI :—“ That is what I wanted, Sir.”

Mr. C. RAMALINGA REDDI :—“ In that connexion, Sir, I beg to ask the Leader of the House one question, whether he gave that opinion as the opinion of the Government including the Transferred half, or in his individual capacity as Finance Member ? If he had done it in his individual capacity, may I venture to submit that Mr. Moir was perhaps going beyond his instructions when in effect he declared there that the Madras Government would be in favour, provided the iniquitous impost was reduced ? ”

The hon. Sir CHARLES TODHUNTER :—“ The reply to that is that Mr. Moir declared nothing of the sort.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“ I want to know whether the correspondence between the Leader of the House and Mr. Moir was in his

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official capacity or private capacity. If it was in his official capacity, I want to know whether he had any consultation with the other Members of the Cabinet before he gave his approval to the proposed action on the part of Mr. Moir."

Mr. C. RAMALINGA REDDI:—"Just one word, Sir. The reply as given is 'individual Members of the Government were, however, aware that he proposed to support the Finance Bill' and so on. If my hon. Friend, the Leader of the House, would only answer for himself, then we would have to put the question seriatim as in a class room to each and every Member of the Government present here. So, we would like to have an answer from the hon. Member, as Leader of the House, as to how many were consulted, whether the hon. the Ministers were not consulted either formally or informally, and what replies they gave, whether there were any individual differences, whether the opinion of the majority prevailed, or all agreed as to the course of action that Mr. Moir proposed to take."

The hon. Sir CHARLES TODHUNTER:—"Sir, I have already told the hon. Member that the whole question is based on false premises. 'The Government gave no specific instructions to Mr. Moir, nor did Mr. Moir express their approval of the enhancement of the salt tax.' I might have answered the question in those words and left it there. But I have endeavoured to answer as fully as I can, acting upon my recollection of an event of ten months ago. I have said I cannot remember exactly, but I am quite prepared to take the responsibility for any advice that I gave to Mr. Moir."

Mr. S. SATYAMURTI:—"May I again ask the hon. the Finance Member whether in giving the advice or instructions to Mr. Moir, to express his approval to the enhancement of the salt tax, he consulted formally or informally his Colleagues in the Cabinet, especially the Ministers, and, if so, what their opinions were?"

The hon. the PRESIDENT:—"The hon. Member has already said that he has not done so."

Mr. S. SATYAMURTI:—"I will repeat my question. Sir, I want to know from the hon. the Finance Member whether, before he in his own individual capacity wrote to Mr. Moir expressing his approval of his proposal to approve the enhancement of the salt tax, he consulted, formally or informally, his Colleagues in the Cabinet, especially the Ministers? That I suppose is a plain question."

Mr. C. RAMALINGA REDDI:—"I am sorry I have to say one other word, Sir. May I with your permission, Sir, ask whether we can unreservedly accept my hon. Friend's statement that no instructions were issued before Mr. Moir took the action that he took, but that evidently subsequent approval was given? With respect to that approval, I would ask, with all due respect once again, who were the hon. Colleagues of his that were consulted, whether the hon. Ministers were consulted, and what opinion was given by them individually, or in their collective capacity? I think the House is entitled to know that, because it is a matter of very great public importance."

The hon. Sir CHARLES TODHUNTER:—"In reply, Sir, may I ask the hon. Member to read Mr. Moir's speech, which will give him a full answer to his question?"

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Mr. S. SATYAMURTI :—"That does not answer my question, Sir. My question is within the peculiar knowledge of the hon. the Leader of the House and nobody else. What I want to know, Sir, is whether he, with his present recollection of the event, will tell this House if, in his individual capacity as Finance Member, he consulted formally or informally his colleagues in the Cabinet, especially the Ministers?"

Mr. C. RAMALINGA REDDI :—"Before the salt tax was certified, Sir, did not the Government of India consult this Government also, as it was reported that they consulted all provincial Governments, as regards their probable attitude of what their advice in that matter would be before the certification."

The hon. Sir CHARLES TODHUNTER :—"I have already told the House, Sir, that I cannot speak with exactitude of conversations of ten months ago, and I have already told the House that I have no recollection—I may be quite wrong—but I have no recollection of any such consultation with the Government of India as is suggested."

Mr. C. RAMALINGA REDDI :—"May I request my hon. Friend to make a statement on this subject to-morrow? I certainly feel that at this date he may not probably remember."

The hon. the PRESIDENT :—"Does the hon. Member think that probably the hon. the Finance Member's memory will improve within the next twenty-four hours?" (Laughter.)

Mr. C. RAMALINGA REDDI :—"I thought he might consult the records, Sir. I did not mean anything so unpsychological as that."

Mr. S. SATYAMURTI :—"May I submit, Sir, that my question still remains unanswered?"

The hon. the PRESIDENT :—"I dare say it is. Honourable Members are aware that a Member of Government is not bound to answer when questions are put."

Mr. S. SATYAMURTI :—"May I ask the hon. Member to get up and say that he cannot answer?"

The hon. the PRESIDENT :—"The hon. Member is not bound to get up and say he cannot answer. His silence means (laughter) that."

II

ELECTION OF MEMBERS TO THE BOARD OF INDUSTRIES.

The hon. the PRESIDENT :—"I have to inform the House that at the election held on the 11th December 1923 the following Members have been elected to be the Council's representatives on the Board of Industries :—

Diwan Bahadur K. Suryanarayanamurti Nayudu.

Mr. Sami Venkatachalam Chetti."

III

MOTIONS ON MATTERS OF GENERAL PUBLIC INTEREST.

The hon. the PRESIDENT :—"The Council will now resume discussion of Motions on matters of general public interest. The first is the Motion of Mr. A. Ranganatha Mudaliyar as amended by Mr. P. Siva Rao."

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The hon. Mr. A. R. KNAPP :—“ Mr. President, the resolution as it has been amended runs as follows :—

6. *That this Council recommends to the Government that the G.O. No. 1332, Revenue, dated 21st July 1922, may not be enforced until the principles of land revenue settlement are codified and placed on a legislative basis.*

“ The Government Order referred to is, as hon. Members are aware, the Government Order introducing resettlement into the black cotton soil taluks of Bellary and Anantapur. Now, Sir, the amendment of Mr. Siva Rao has very much altered the basis upon which we started the discussion on this matter. Mr. Ranganatha Mudaliyar was anxious to set aside the Government Order on the ground, I think, that the economic state of the Bellary district did not justify any enhancement in the burden of taxation laid upon it. Mr. Siva Rao prefers to leave out of his consideration altogether the economic state of the Bellary district and to base his demand on the ground of principle only, a principle, as hon. Members will observe, which is equally applicable to all other districts in the Presidency. As two days have passed since Mr. Siva Rao made his speech in support of his amendment, I think it will perhaps be convenient to the House if I should clarify the issue by stating what I understood to be the points which he brought forward in favour of his proposition. He will correct me if in any respect I fail to understand his arguments. He referred to the fact that during the first session of this Reformed Council a resolution was adopted recommending to the Government that resettlement in this Presidency should be postponed until the principles of land revenue assessment were embodied in legislation. He mentioned the fact that not long after that resolution was carried the Government constituted a committee to consider a draft Bill on the subject, and from the fact that the Government did appoint the committee, he inferred that the Government had assented to the principle that settlement operations should be given a statutory basis.

11-30 a.m. “ He then went on to refer to the proceedings of the Committee of which he was a member. I take it, Sir, that as he has referred to these proceedings, I am also entitled to do so ; for, otherwise, with all respect to the ruling which the hon. the President gave on the subject, it may lead to the very anomalous result that while Mr. Siva Rao, the Mover of the amendment, can refer to the proceedings, I on this side of the House cannot quote the same papers in the course of my reply. Lest, therefore, you should tell me that I am infringing the conventions of the House, I propose to ask the same right to refer to the proceedings as Mr. Siva Rao enjoyed.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“ Will the hon. Member place the proceedings in question on the table of this House ? ”

The hon. Mr. A. R. KNAPP :—“ Subject to your ruling, Sir, I do not think I need consider that question.”

Mr. S. SATYAMURTI :—“ May I remind you, Sir, if I may, and this House as well that the ruling of the hon. President regarding the prohibition from quoting from official documents not published, applied to Government members and not to private members. Therefore, I submit, Sir, that unless you revise the ruling, under the ruling as it stands, the hon. Mr. Knapp cannot quote from those documents unless he places them on the table of this House.”

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The hon. Mr. A. R. KNAPP :—“ That, Sir, is precisely the anomaly, to which I referred that Mr. Siva Rao should have the liberty and I should not have it. I may possibly be able to avoid the difficulty. I think, Sir, that I can go as far as I like in summarizing the report of the Committee provided only I do not quote from it. That, for the present, is the course I propose to follow.

“ Mr. Siva Rao mentioned, among the resolutions passed by that Committee, a most important one, viz., that all resettlement proposals should be placed for positive sanction before the Legislative Council. He also referred to another proposal that there should be a limit placed on the future possible enhancement of taxation, the limit which he mentioned being 12½ per cent. Incidentally, perhaps, I may say that if he refers to the document once again, he will find that he was mistaken in thinking that any such provision was actually made by that Committee. Finally he mentioned that this Committee prepared a Bill embodying the conclusions which they arrived at. He complained that this Bill had never seen the light of day, and that the Government had never tried to introduce it into the Legislative Council even though they had given a distinct pledge that they accepted the principles of the legislation. He complained also that two years had elapsed and that nothing yet had been done. Then, all on a sudden, as he put it, the Government wanted to introduce a new settlement not merely in Bellary and Anantapur, but in several other districts. He enquired why the question of codification had not yet been taken up. He pointed out that the whole matter was ready and that the Bill had already been drafted by the Committee and that all that the Government had to do was to take it and put it before the House. Finally, he said with a good deal of emphasis that he and those acting with him were determined not to entertain any proposals for resettlement till they had the settlement rules codified and that until that was done they could not sanction proposals approved of only by the executive Government.

“ Now, Sir, as regards Mr. Siva Rao's description of what took place in February 1921, I have nothing much to say. It is perfectly true that the Government accepted the principle that our revenue settlement proceedings should be given a statutory basis. Not only did they accept it in February 1921, they had accepted it even ten months earlier before the new reformed Council came into being at all, when they called upon the Board of Revenue to prepare a Bill for that very purpose. The Bill prepared by the Board reached us in March 1921. The Board submitted a tentative draft and at the same time referring to the extreme complexity of the subject, they made the suggestion that an experienced officer, an officer experienced in settlement principles, should be placed on special duty for the purpose of revising their skeleton Bill. The Government then decided that before considering whether they would place an officer on special duty, they would like to have an examination of the general principles of the Bill and that examination they committed to the Committee to which Mr. Siva Rao has referred. The Committee consisted largely of officials and my predecessor, Sir Muhammad Habib-ul-lah, was the President. It included four Members of the then Legislative Council. The Committee's report was received in September 1921 and it was at once taken into consideration. It was not, as hon. Members will readily understand, a matter which could be decided upon without a good deal of deliberation and examination. Mr. Siva Rao himself has explained to the House that the

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Committee's report contained at least one proposition which was certainly novel and, I may say, almost revolutionary, namely, that the decision not only as to the increase or decrease in assessment, but the final decision on every single matter of detail connected with resettlement should lie absolutely with the Legislative Council, the Government being required to pass orders in accordance with the decision of the Council. I shall probably refer later to the reason why I am tempted to call this proposal revolutionary. For the present, I mention it to emphasise my statement that this report was not a matter which could be dealt with in a single day. That, Sir, was in the autumn of 1921.

"While the report was under the careful consideration of the Government, notice was received of the Resolution proposed by Mr. A. S. Krishna Rao recommending the introduction of permanent settlement in this Presidency. It then seemed obvious that if we wanted anything in the direction of permanent settlement, there was no use in wasting further time or employing additional officers in considering the details of the Ryotwari Land Revenue Settlement Bill. Further consideration of that Bill was therefore postponed until the Government became aware what the attitude of the House was on the question of permanent settlement. The debate on Mr. Krishna Rao's Resolution came off on the 14th of December 1921. It was a full dress debate ranging over a very wide ground and ended in a division which showed that there was a very large majority in this House in favour of permanent settlement. Mr. Siva Rao himself took part in that debate and, as he said, he gave his most unstinted support to that proposal. The Resolution was opposed by Sir Muhammad Habib-ul-lah who then held the Revenue portfolio. He explained that so radical a change as this in the whole principle of our ryotwari administration would require the sanction of the Government of India and the Secretary of State and was not a matter upon which the Local Government could possibly give any offhand reply. While making it clear that he could not commit the Government to any undertaking to bring forward legislation for a permanent settlement, he did promise consideration of any argument that might be advanced, and particularly he referred to the definite proposal, which he accepted as a recommendation, that one of the obvious objections to permanent settlement might be removed by the imposition of a tax on agricultural incomes in addition to the standard rate of assessment. Sir Muhammad Habib-ul-lah noticed that point; it was put to him from this House and he mentioned that possibly that suggestion might ease the way towards a step which otherwise he did not see much chance of taking. At the same time, Sir Habib-ul-lah pointed out in unmistakable terms that if the examination of the question of permanent settlement were permitted to hold the field to the exclusion of the consideration of the other Bill, in that case the Government could acknowledge no obligation to continue the suspension of settlement operations which at that time were going on. That statement he made perfectly clear and I think my hon. Friend, Mr. Siva Rao, will probably acknowledge that on that point there was no possible misunderstanding. As I have said, this Resolution in respect of permanent settlement was carried by a very large majority. The matter then again underwent consideration at the hands of Government. That was in February last year, 1922. On the 6th of that month a letter was written to the Government of India explaining the whole position in which we found ourselves, referring, as we promised to refer, to the views of this Council on

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the subject of permanent settlement, consulting them generally,—they are entitled to give us instructions—as to what our action should be.”

Mr. C. RAMALINGA REDDI :—“ May I ask, Mr. President, if it is proposed to publish that despatch of the Madras Government ? ”

The hon. Mr. A. R. KNAPP :—“ Not at present, Sir. I am not entitled to disclose details of that correspondence now. But I can say that as the outcome of that correspondence there seems to be very little prospect of this Government in the near future introducing any proposal for permanent settlement. Well, Sir, we then found ourselves, after a rather considerable detour, back very much in the position in which we had been in 1921, that is to say, when the report on the Revenue Settlement Bill was received. The delay is no doubt to be regretted but on behalf of Government I take no responsibility for it. Mr. Siva Rao himself was partly responsible for it when he took part in drawing what was no doubt a very attractive red-herring across the track of the original Bill. He cannot be surprised if it took some little time to get back into the original line. Our correspondence with the Government of India terminated last autumn. Sir Muhammad Habib-ul-lah was very anxious indeed to take some further step before he left; but, unfortunately, his preoccupations just on the eve of starting for Delhi made it impossible for him to do so. He had to leave the papers to me and I have had them for the last few weeks. As hon. Members are aware, the conditions of the last few weeks have not altogether been quite favourable for a quiet study of the subject. I confess, therefore, I have not yet been able to put before my Colleagues any final conclusion as to the form which our Bill is to take. But we are proposing to legislate, and to legislate as early as we possibly can. I wish to remind the House that in an answer given yesterday by my hon. Colleague, the Law Member, the Land Revenue Bill was mentioned as one of the Bills which the Government propose, if possible, to introduce during the present session. I may be asked why if legislation was so imminent I should have any objection to accept Mr. Siva Rao's proposal to postpone the resettlement of Bellary and Anantapur for a few months. My answer is that it is not legislation that is imminent but it is the introduction of legislation and even that cannot be done in a day or a week. I know that it is not Mr. Siva Rao's opinion. His view is that there is no need for any further delay. He says that the whole matter is ready, the Bill has been drafted by the Committee and what is required to be done by the Government is to announce the introduction of the proposed Bill in the Legislative Council, by which I take it that he means the Bill of the Committee. That all sounds very simple indeed. But Mr. Siva Rao, I think, has overlooked one not unimportant element in the question and that is whether the Bill, as drafted by the Committee of which he was a member, is a Bill which the Government approves and which it is prepared to take responsibility for. If it is, the hon. Member may be entitled to think that the matter is perfectly simple, but if the Government are not prepared to accept the Bill as it is”

Mr. P. SIVA RAO :—“ The resolution we adopted was unanimously carried in the Committee of which Sir Habib-ul-lah was the President. As the Revenue Member he accepted it on behalf of the Government.”

The hon. Mr. A. R. KNAPP :—“ I am afraid I must differ from any hon. Friend's view that Sir Habib-ul-lah accepted the resolution on behalf of the Government.”

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Mr. P. SIVA RAO :—" There was no dissentient voice."

The hon. Mr. A. R. KNAPP :—" I am afraid I must remain unconvinced that a Member of Government sitting as a member of the Committee can be regarded as having committed Government because he signs an advisory report to the Government."

Mr. P. SIVA RAO :—" He did not think it fit to express any difference of opinion."

The hon. Mr. A. R. KNAPP :—" I thank Mr. Siva Rao for giving me that information."

Mr. C. RAMALINGA REDDI :—" If the hon. Sir Habib-ul-lah had any reservations, would it not be better to place them before the Committee so that they might be discussed ? "

The hon. Mr. A. R. KNAPP :—" I know nothing about the proceedings of the Committee ; Mr. Siva Rao does. I was saying that I could not accept the view that because Sir Habib-ul-lah was a member and the president of the Committee, when he sent the report he was committing the Government as a whole to the acceptance of the provisions of the Bill which the Committee submitted."

Mr. P. SIVA RAO :—" But, Sir, Sir Muhammad voted distinctly for this resolution, not that he committed the Government to it. Not merely did he not dissent, but he voted for it."

The hon. Mr. A. R. KNAPP :—" Well, Sir, I leave it there.

" Assuming for a moment that Sir Habib-ul-lah did accept or had spoken in favour of the proposal to be forwarded by the Committee . . . "

11-45 a.m.

Mr. C. V. VENKATARAMANA AYYANGAR :—" May I know whether Sir Habib-ul-lah presided over the Committee as Revenue Member or as mere Sir Habib-ul-lah ? "

The hon. Mr. A. R. KNAPP :—" I am afraid I cannot answer that question. It is not going to affect the matter in any way. Sir Habib-ul-lah may have held that view but it is not beyond the bounds of possibility that a majority of the Cabinet may not fall in with his views. Well, Sir, I leave it there. As we stand at present, the Government are not prepared to accept that Bill as presented by the Committee and to introduce it as their measure. That is where I say Mr. Siva Rao has made a slight mistake in assuming that the position is perfectly smooth. The matter requires a good deal of consideration before we can arrive at a Bill which will be acceptable not only to the Government but also, as we hope, to the House. Incidentally I may point out with reference to this Bill that this very Committee whose opinion Mr. Siva Rao expects us to swallow without demur consisted very largely of subordinate officers of Government. Does Mr. Siva Rao suggest that we should accept the dictation of our own officers as to the course we should follow ? We are, of course, very much obliged to the whole Committee for their advice. But I cannot subscribe for one moment to the theory that having appointed a Committee at least eight officers of which were subordinates of the Government we should be bound to accept their decision—their *ipse dixit*—and put it forward as our own."

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Mr. P. SIVA RAO :—" I wish to know whether the proposals of the Committee were not placed before the Cabinet before the draft Bill was prepared. Was not the Cabinet consulted on the matter ? "

The hon. Mr. A. R. KNAPP :—" Sir, I have no information on the point from the papers which I have seen. "

Mr. C. RAMALINGA REDDI :—" Sir, the Government is usually much more generous than their own subordinates, and where is the trouble ? "

The hon. Mr. A. R. KNAPP :—" It is not a matter of generosity. It is a question whether we must accept the decision of our own subordinates as the last word on a matter. I am only pointing out that the matter is not so simple as Mr. Siva Rao suggests. He tells the House that there is nothing to do at all, that everything is ready and that the Government for some satanic reason of their own are holding it up and are not allowing it to see the light of day ; that is my interpretation of his speech. "

Mr. C. V. VENKATARAMANA AYYANGAR :—" Have they remained blind-folded all these two years ? "

The hon. Mr. A. R. KNAPP :—" No, Sir. Some of these interrogations might more conveniently wait until hon. Members rise to speak on the motion. Now, Sir, when I say that I cannot consent to the proposition that this Bill is ready for introduction I am not merely taking my stand on the theoretical basis. As a matter of fact, as I have said, the Bill contains provisions which I cannot accept ; for instance, the proposal which I have referred to as being revolutionary, namely, the proposal that not only the enhancement or reduction of the assessment but every single detail of the settlement has to be placed before the Legislative Council which is to give an absolute final decision in the matter to the Council. Now, Sir, I feel bound to remind my hon. Friend, Mr. Siva Rao, that in our constitution Revenue is still a reserved subject for the administration of which the Governor in Council is responsible to the Government of India and the Secretary of State and ultimately to the British Parliament. Is it seriously suggested, Sir, that the responsibility being there the Government could accept the position that while they remain responsible for the administration of land revenue the question as to how the settlement is to be conducted should be taken entirely out of their own hands and placed in the hands of the Council leaving the Government with responsibility but no power ? That seems to me to be quite an impossible position for any Government to accept. Further I would like to remind the House that even among the Transferred subjects the Secretary of State has reserved some powers in the matter of finance in the Transferred departments and the Governor has certain revisionary powers. Is it suggested that in this department, one of the most important departments of our Presidency administration, the Council should be left absolutely unfettered, the Viceroy or the Governor having no check whatever on its decisions ? I think, Sir, when I put this matter in this way it will be obvious to Members of this House that the position is one which we can hardly be expected to accept. I am very doubtful as to the legality of it. It seems to me as if we should be attempting by means of local legislation to infringe the powers of the Government of India and the Secretary of State. If such a provision were to be included in the Bill sent Home, I am fairly certain that the Secretary of State would object. It may be of course that the Legislative Council may

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be trusted to do the proper thing and there may be no need for any apprehension of any trouble arising. Well, Sir, I have been brought up to respect the European maxim—a German one I think—that while expecting the best one should be prepared for the worst.

“Now, Sir, as I have said, we are quite prepared to introduce legislation beyond that we have no control. I am not optimist enough to suppose that I shall be able to introduce a Bill which will have the full concurrence of the House. If Mr. Siva Rao will give me a guarantee that the Bill which is intended to carry the injunctions of the Joint Committee will be carried in this Council straight off, I should be very glad to consider his proposal. But I am afraid that is quite out of question. I must expect that there will be discussion, very likely a prolonged discussion. Even if legislation is introduced, time has to be allowed before it can be brought into effect.

“Then again, the Bill is one which under the rules will have to be reserved for the consideration of the Government of India. Therefore, even if this Council passes it, we must expect another interval for the Bill being considered by the Government of India. The Bill being one which proposes to modify materially and affect the land revenue of the province comes under the rules framed under section 81-A of the Government of India Act.

“I have explained why this Bill has not seen the light of day. I will only refer to one other remark which Mr. Siva Rao made in his speech the day before yesterday when he complained that having given a pledge that we were not going to take any further action until the Bill became law we should suddenly introduce proposals for resettlement in the Bellary and Anantapur districts. Now, Sir, we gave no pledge of the kind and there was no suddenness about our action. The proposals for the re-settlement of the Bellary and Anantapur districts have been there for the last three years and twice the introduction of the re-settlement has been postponed on the ground of the then economic condition of the district, a matter which we are not now discussing at all. On the last occasion, when the discussion took place Sir Habib-ul-lah stated in the most specific terms that, though he was willing to allow the postponement we were going on with the measures for the introduction of the settlement, the preparation of *adangals* and so forth. He asked the House to bear in mind that the postponement did not in the least involve any intention to delay the formal introduction of the settlement longer than was necessary on official grounds. That, Sir, is my answer to the suggestion that we have sprung on the Council our proposals regarding the re-settlement of the district. Allusion has also been made to the suggestion that we have given some kind of pledge that we would not proceed with any settlement operations until we had settled this question of legislation. I should like to clear up that point also. I should like to refer to a very deliberate statement made by Sir Habib-ul-lah in the debate of 15th September that he distinctly repudiated having given any sort of pledge of that kind. Now, Sir, I have dealt, I think, with all the points raised by Mr. Siva Rao during his speech on this motion. The reasons why the Government consider the settlement which is overdue should proceed in the ordinary course, and that its introduction should not be deflected by the possibility of legislation being fixed on a statutory basis, are perfectly obvious and these reasons have been very often placed before the House. The contract between the Government and the ryot is for 30 years and the ryot has no right to expect any extension. If in the

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ordinary course the resettlement is likely to lead to increase of revenue, it is unfair and unjust to the general tax-payer in other parts of the Presidency that a particular district should escape the obligations of making its proper contribution towards the Presidency funds. I wish to press this point particularly on the attention of the Members of this House, and I would like to ask whether they are prepared to go down to their constituencies and tell them that in this House they have voted for the postponement of the settlement in the interest of some district, rich or poor I do not care for the moment to examine, with the result that the burden will be placed on their own constituencies in the other districts. Any hon. Member who has the courage to make to his constituency, this precisely accurate statement, deserves great admiration. There is another point, Sir. There is at present no reason to believe that there is going to be any radical change in the methods of settlement even when it is reduced to statutory form, and there is therefore no logical ground for asking for postponement. Honourable Members may be quite right in manœuvring for the advantage of their own constituencies to postpone on any pretext the raising of their rates, but I do not think this House can encourage the manœuvre."

Diwan Bahadur P. KESAVA PILLAI:—"Dividing the districts at the cost of the poor people."

12-noon. The hon. Mr. A. R. KNAPP:—"Well, Sir, I need not detain the House any longer. I may summarize in a few words what the position is. We propose to introduce legislation without any avoidable delay, and I can assure the House that I will treat it as a matter of urgency. I cannot foretell when that legislation will be brought into effect. But I cannot see any reason why we should on that account upset the ordinary course of our settlement business. On the contrary, to ask for a special exemption in the case of one or two districts awaiting resettlement will be unjust to the rest of the Presidency. There is one other point which I should like to make clear. It may be in the minds of some hon. Members of this House that in opposing a proposal which will have the effect of postponing the Bellary settlement, I am acting in a hard-hearted manner. As we know, neither Bellary nor Anantapur have done well this year or in the last two or three years."

Diwan Bahadur P. KESAVA PILLAI:—"Four years."

The hon. Mr. A. R. KNAPP:—"What I should like to point out is that that has nothing to do with the present debate. Mr. Ranganatha Mudaliyar was, I think, willing to base his proposals on the economic condition of these districts. Mr. Siva Rao thought otherwise."

Mr. P. SIVA RAO:—"The option of deciding the reasonableness in view of the economic consideration I wish to raise later."

The hon. the PRESIDENT:—"I do not quite follow the hon. Member."

Mr. P. SIVA RAO:—"In moving this Amendment, I must not be taken to have accepted the reasonableness of the rates the Government have proposed. In moving this Amendment, I reserve to myself the option of questioning the reasonableness of the rates later."

The hon. the PRESIDENT:—"Later means when?"

Mr. P. SIVA RAO:—"I mean on some other occasion when the Bill is brought before the House."

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The hon. Mr. A. R. KNAPP :—“ Then, Sir, I was quite right in saying that the question of the reasonableness of the rates is not the question in the amended Resolution that we are now discussing. I may tell the House that the condition of Bellary is being watched with anxious care by the Government and that the introduction of the new settlement will not in the least prejudice the ryots of Bellary in the matter of receiving such relief as the state of the season or the accumulated seasons may entitle them to. I think we have always been perfectly ready to give remissions when remissions were called for. I am asking hon. Members to put out of their minds any sort of idea that the introduction of the settlement will in any way tie our hands or prejudice our action in regard to the granting of remissions which we will certainly grant, if needed.”

Diwan Bahadur M. KRISHNAN NAYAR :—“ Certain alterations made by Mr. Ranganatha Mudaliyar with reference to the draft prepared by the Settlement Committee induce me to make certain statements. Mr. Knapp stated that the Committee consisted among others of several Government officials, as many as eight Government subordinates, and that certainly the Government could not be expected to swallow the recommendations of the subordinates of the Government.”

The hon. Mr. A. R. KNAPP :—“ May I say, Sir, that what I said was, ‘to accept the dictation’. There is a slight difference.”

Diwan Bahadur M. KRISHNAN NAYAR :—“ Even with the modification of my friend, I may say that I was myself a member of that Committee. There were a number of settlement officers; there was Mr. Macmichael who was then a Member of the Board of Revenue; he knew a great deal about the settlement work of Government. In addition to Mr. Macmichael, there were Messrs. Todd, Bhole, Venkatanarayana Nayudu and there was a retired officer, Mr. Sivagnanam Pillai. All these officers were unanimously of opinion that this provision, namely, the introduction of the settlement rates, should be embodied in a Bill and that it should be given effect to only after a formal introduction in the Legislative Council. I thought that when these recommendations were made by a committee among whom were Government officers some of whom had special knowledge of settlement work, the fact that such a recommendation was made by such a committee was the reason why the Government should accept the recommendation. It is not the subordinate officers of the Government, particularly the settlement officers of Government, that can come to a conclusion which will be against the opinion of the Government. It is a fact that the subordinate officers, including the settlement officers, came to a particular conclusion, namely, that rates should be introduced only after they are accepted by the Council. My hon. Friend has again stated that the opinion of the hon. Sir Habib-ul-lah could not bind the Government as a whole. The opinion of Sir Habib-ul-lah may not bind; but Sir Habib-ul-lah sat there as the Revenue Member. He was the President of the Committee. If my memory is not correct, Mr. Siva Rao or some other hon. Member will correct me. My recollection is that Sir Habib-ul-lah did not remain silent over this proposal, viz., that the settlement rates should be introduced only after they are accepted by this Council. He was the first to make the suggestion and particularly the non-official members were very glad when the proposal emanated from the hon. Sir Habib-ul-lah.”

Mr. P. SIVA RAO :—“ Unfortunately, Sir Habib-ul-lah is not here.”

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Diwan Bahadur M. KRISHNAN NAYAR :—" So that these two facts, that the hon. Sir Habib-ul-lah heartily and fully accepted this proposal and that the other settlement officers also accepted the proposal, are very strong circumstances to make the Government accept this proposal."

The hon. Sir CHARLES TODHUNTER :—" May I ask the hon. Member whether he suggests that because the Finance Member records a resolution of the Finance Committee the Government, as such, are bound by that Resolution ? "

Diwan Bahadur M. KRISHNAN NAYAR :—" I am very sorry, Sir, that I did not hear a single syllable of what the hon. Member had been saying (laughter). He will do well to turn this side."

The hon. Sir CHARLES TODHUNTER :—" I wish to ask the hon. Member as an ex-Member of the Finance Committee whether he would carry his principle to the extent of saying that whenever the Finance Committee with the Finance Member presiding passes a Resolution the Government are bound by it."

Diwan Bahadur M. KRISHNAN NAYAR :—" I am very glad that such a question has been put. My answer I will readily give. If in the Finance Committee the hon. Member sits as a Finance Member and *himself* makes a proposal, I would certainly expect the Government to accept the proposal. Sir Habib-ul-lah sat there as a Revenue Member, made this proposal and naturally I expect the Government to accept this proposal. Having made this observation, I may just state one or two words with respect to this Resolution. I agree fully with the hon. Mr. Knapp that it is unfortunate that this Resolution has taken its present form by reason of the Amendment of Mr. P. Siva Rao."

The hon. the PRESIDENT :—" Order, order. The House having accepted the Amendment, it is not open to any hon. Member to criticize their action just now. That having been done by a majority, the minority should bow to it."

Diwan Bahadur M. KRISHNAN NAYAR :—" Quite so. What I say is that the Resolution, as it stood, I was very willing to support. As it is now, it makes the situation rather difficult; for, having regard to the peculiar condition of the Bellary district, I am willing to give my vote for it. In the course of a discussion last year on a similar Resolution, the peculiar condition of the Bellary district was recognized and the Settlement Member also referred to it in the speech this morning. We know that famines periodically occur in the Bellary district and it is in a chronic state. So, it is desirable that this Council should make an exception in favour of that district with reference to the introduction of resettlement. But, as the Resolution now stands, it is likely that this Council will accept the Resolution. It may delay the settlement proposals and it will delay the introduction of permanent settlement in other districts and the general tax-payer of the Presidency may not thank this Council for that. Having regard to that consideration, it is difficult to vote in favour of the proposition. But, as I said, if the effect of voting on this Resolution can be restricted to Bellary district, I am willing to vote in favour of it. I know it refers to Bellary. But, if we vote for the Resolution in its entirety, it may become necessary that this principle should be applied to other districts as well and there will be unnecessary sacrifice of revenue and the general tax-payer of the Presidency is not likely to thank this Council for coming to that conclusion. So that, on the understanding that this

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principle involved in this question applies to this district and not to other districts, I am willing to give my vote for it. But, if the principle is extended to other districts, it rather leads to an embarrassment."

Rao Bahadur C. V. S. NARASIMHA RAJU :—" Mr. President, Sir, it has been said by the hon. Mr. Knapp that the Resolution of Mr. Ranganatha Mudaliyar was based upon economic conditions of the district, whereas the Resolution as it now stands amended is based upon the general principles of postponing the settlement till the general principles of resettlement are codified. For my part, I am not able to find out the difference between the two. If we read the proposition of Mr. Ranganatha Mudaliyar, we see that he wanted that certain rates ought to be introduced and that resettlement rates as recommended or proposed by Government ought not to be introduced. Mr. Siva Rao, who is well acquainted with the working of the Committee, being one of the members of the Committee, then introduced a general proposition by way of amendment. I do not think that the economic consideration of the district will be out of our purview when we take the whole question into consideration. He simply said that instead of reducing the settlement rate to 5 per cent we had better wait for the settlement of the principles and then re-examine the whole question and then introduce resettlement in the Bellary and Anantapur districts. The present economic condition is admittedly bad and it shall in no way induce the Government to go on with the resettlement of the district, especially when the condition is so for the last two years."

The hon. Mr. A. R. KNAPP :—" The Resolution as amended suggests not that there should be a remission, but that the rates should not be enforced until the legislation has come into operation. There is no question of reconsideration."

12.15 p.m.

Rao Bahadur C. V. S. NARASIMHA RAJU :—" The hon. Member did not understand me properly. When the Resolution is accepted by the Government and when the legislation comes into operation, they cannot go back upon the Government Order already passed. When they want to introduce resettlement, they must examine the whole question in the light of the legislation. What the hon. Member says is 'We have already issued the Government Order ; and if this Resolution is to be passed and accepted by the Government, we will postpone the resettlement, but after the legislation is passed we will bring in the settlement rates as per orders to be issued now'. But I say, when once the principles of resettlement are codified, Government will be prohibited to fall back upon the Government Order or the resettlement already made. They are again bound to resettle according to the principles which will be codified in this Council. Now, Sir, if I understand him correctly, what the hon. Member says is that no doubt the fundamental principle which the Committee recommended was that the settlement rates in operation are to be approved by this Council. It is too big a pill for the Government to swallow and they say it is a recommendation made by subordinate officials and also some non-officials and so they are unable to swallow it. I do not want to go into the question whether Sir Muhammad Habib-ul-lah Sahib suggested it or approved it. If I understand my hon. Friend, Mr. Krishnan Nayar, his position is this. He says that the principle was enunciated not by the members of the Committee but was put forward by the President of the Committee, Sir Muhammad Habib-ul-lah

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Sahib himself, and it was accepted by the Committee. The hon. the Finance Member put forward the proposition that when the members of the Finance Committee make any recommendation, 'is the Finance Member bound by it?' "

The hon. Sir CHARLES TODHUNTER :—" What I said, Sir, was this : If the Finance Member records a recommendation of the Finance Committee or a majority of the Committee, can it be held to bind the whole Government? "

Rao Bahadur C. V. S. NARASIMHA RAJU :—" The hon. the Finance Member could have waited to hear my further remarks. It is not a case where, as Mr. Krishnan Nayar has told us—for I do not know that myself—Sir Habib-ul-lah sat in the presidential chair merely recording the Resolutions of the Committee, but on the other hand the suggestion came from Sir Habib-ul-lah himself, that the rules with regard to settlement rates are to be approved by the Council in the form of a legislative measure. Therefore, if I may use legal phraseology, it is Sir Habib-ul-lah that gave the estoppel by throwing out that suggestion. I know the hon. the Finance Member is always careful enough not to come forward with any suggestions of his own. He sits on the Finance Committee or the Public Accounts Committee to merely record the Resolutions. It has been said that the Resolution of this Council regarding the introduction of permanent settlement in ryotwari tracts is mainly responsible for the delay of the codification of the settlement rules. Now the issue is not, who is at fault. The question is whether the principle is accepted or not. For a period of three years we have been asking for the codification of the settlement rates. Are the Government not bound to preserve continuity of policy and hasten the legislation regarding resettlement principles before they introduce resettlement in the Bellary district? It has been stated that the old principles are going to be enacted into law, and there may not be much difference after all, and why should you delay the introduction of resettlement in some districts? I believe this House, representing the various constituencies, will bear the principle in mind as to the proper apportionment or the introduction of resettlement, regard being had to the economic conditions of the various districts. In the recent Manual we find there is a reference to an inquiry into the economic condition of the districts. I hope when representatives of people deliberate over the question, they will not adhere to the old time-honoured rules, but will bring in their own practical experience and solve the problem quite reasonably, so that each district may be treated according to its own peculiar conditions.

" It has been said that by accepting this Resolution, the resettlement will have to be postponed in some of the districts and the deserving districts also will be benefited to the detriment of the general tax-payer. But, Sir, when an important question is at issue, we cannot take into consideration appeals based on minor points. We are anxious to examine the principles of settlement and then only the Government should take to resettlement in the various districts."

Mr. S. SATYAMURTI :—" Mr. President, Sir, the hon. the Home Member in replying on this Resolution as now amended has sought to make out as if there is an inevitable conflict between the economic reasons which underlay the Resolution as it originally stood and the reasons which underlie the Resolution as it now stands. I take it, Mr. President, that if the Resolution

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in its amended form is carried by this House, and I believe it will be, it will give relief to the Bellary and Anantapur districts, and therefore, to suggest that because we adopt this Resolution we shall not benefit the economic interests of the people of those districts, is somewhat ingenious but not convincing. There is no conflict here. The hon. the Home Member told us that the Government have agreed to placing settlement proposals on a statutory basis. In what particular form, he did not tell us. But from the way the Government are moving in the matter, it looks as if the wheels of the Madras Government are grinding very slowly indeed. Because he told us that the Committee reported in September 1921 and although he ended his speech by saying that he would treat it as a matter of urgency, he at once corrected himself by saying that he could not tell this House when he would introduce the Bill. Having said that, he told us that the Government could not hold its hands till this Bill—or in whatever form the Government are going to introduce it—is placed on the Statute Book. On that matter I find the Joint Committee Report has been quoted before. May I also quote it again and may I also remind this House that this Report was signed by their Lordships of the Joint Committee early in 1919. They say ‘the Committee are impressed by the objections raised by many of the witnesses to the manner in which certain classes of taxation may be laid upon the people by executive action. . . .’ The hon. the Home Member thinks that four years and a half is too short a period of this Council to say that they are acting according to the recommendations of the Joint Committee in coming and telling this House that hereafter they will consider the question of introducing it but cannot tell when they will introduce it.

“Then, Sir, the hon. the Home Member told us that the Committee on the Bill consisted of eight subordinate officers of the Government, and that therefore the Government could not listen to the dictates of their subordinate officers on a matter of this kind. Sir, I remember the Government of Madras like other bureaucratic Governments all over the world attach great importance to the opinions of those who are known as experts and more than that to the opinion of those who are known as men on the spot.”

The hon. Mr. A. R. KNAPP :—“I may mention, Sir, that during the course of observations, I said that I attach great importance to the opinions of these particular officers.”

Mr. S. SATYAMURTI :—“The hon. the Home Member attaches great importance to their opinions but will not accept them. I make a present of that statement to these officers. What I am concerned with is this, Mr. President—whether it is perfectly consistent with the position the Madras Government takes up in such a large important and vital question affecting the lives and well-being of so many people—asking the opinions of experts and then saying ‘No, we are not going to be dictated by these people’. If they really thought that their opinions were not going to be accepted, I wonder whether that is the way of playing with the tax-payer’s time and money in appointing these committees. Do you appoint a committee to say afterwards, ‘No, we are not going to listen to you’? You must have some sense of responsibility in appointing a committee. Then the hon. the Home Member was surprised at what he considered a very extraordinary demand of the hon. Member Mr. Siva Rao when he suggested that almost every single item of settlement should be brought under the statutory

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control. Their Lordships of the Joint Committee thought likewise. I may read just one more sentence from that report, 'The Committee are of opinion that the time has come to embody in the law the main principles by which the land revenue is determined', which they go on to state, 'the methods of valuation, fixing of assessment, periods of revision and other chief processes of collecting revenue.' Practically all the matters are to be brought under statutory control. Then I ask why it should be suggested that we are making an extraordinary demand on this Government when we suggest that the increase of this tax should not be given effect to before practically every main proposal underlying this system is brought under statutory control.

12-30 p.m. "Then, Sir, the hon. the Home Member paid a very great compliment to this House and said that we might put forward proposals which no Government could accept. Truly I thought we had a Government which consists of fallible human beings, and I was not suggesting that this Government or any Government was always going to be infallible.

"We know what is good for the people of this country, and I hope that in spite of the hon. the Home Member the times will soon be changed, and that any Government, good, bad or indifferent will respect the wishes of the people's representatives. It is the people's business to send us here, and therefore to say that we might be antagonistic or perverse with regard to our sense of right and wrong is merely antediluvian.

"The hon. the Home Member trotted out the theory of some contract between the Government and the ryot which naturally expires at the end of 30 years. Hon. Members of this House are aware, I suppose, that when the ryotwari settlement was introduced, the idea was paramount in the minds of early administrators that it was going to be a permanent settlement by a process of legislative and executive action. Sir, I need not enter into details, but I say this much: that the Madras ryot has been deprived of his inherent right which the British Government recognized by giving him a permanent right of paying only so much and having the land for himself. If hon. Members want authority, I beg leave of this House just to read one sentence from a very early Paper written by Sir Thomas Munro:—

He says:

'The first point to which I desire to invite attention is that this right of the Madras cultivator to have a fixed, perpetual and unalterable assessment, recognized by the British Government during half a century, has been virtually confiscated by the British Government in the last 40 years.'

Therefore, Sir, there is nothing to show that the ryotwari system was intended to be revised every 30 years. It was intended as a permanent settlement, but owing to an unfortunate accident in the history of Madras the ryotwari holders did not get their permanent rights, and the Madras Board of Revenue conceded that founders of the ryotwari system were of opinion that the permanency of the assessment was beyond doubt. If we are to go into the history of this question, let us go back as far as human memory goes back and not finally stop at a point where it is convenient and wherever it suits us to stop. Then we are told that this increase is going on in every district every 30 years and therefore we must agree to this new increase. In this connexion I want, Sir, not to quote the authority of an agitator like my humble self, but the authority of one who held a very high position as

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Commander-in-Chief of His Majesty's Forces in British India who talking of this perpetual increase in ryotwari settlements in his book on 'Indian Studies' thus says most emphatically :

'The peasant digs, sows and reaps, the rain falls, and the crops prosper and are reaped, but no sooner is the harvest over than the crop is divided. The landlord, be he the Government or a great landlord, takes the lion's share. The village shop-keeper and the village servants are paid from what remains when the producer has nothing left. He again gets credit for his food and seed for the next crop from the village shop-keeper, which costs him dear, and he goes home to plough, sow and live in hopes of better times which never come.'

"Therefore, Sir, this Resolution of my friend Mr. Siva Rao is intended to give the ryots of Bellary and Anantapur districts some hope of better times to come. I do most respectfully submit to this House that we must press this Resolution especially because the hon. the Home Member has practically told this House that this precious Bill which will come before this House will contain no radical changes at all in their hoary methods of settlement, and that therefore we are not going to get anything. I congratulate the hon. the Home Member on the clever way in which he sought to exploit latent district jealousies in this House. I would ask this House to rise above that consideration. Those who represent particular districts cease to represent the particular districts the moment they come here, and I take it that hon. Members of this House realize that they are representing the whole Presidency and not this district or that district. Therefore they must look upon, what Bellary and Anantapur suffer or get, the other districts also will get, and if the hon. the Home Member's argument is pursued to its logical conclusion, it means this: that so long as the executive Government goes on introducing settlements in these districts at different periods, the time will never come when we shall have an opportunity of stopping the settlements in these districts. Let us, Sir, therefore make a beginning somewhere. The hon. the Home Member said that if the conditions in Bellary and Anantapur are bad, he would consider them, which means 'I know better, trust my judgment, do not cloud it by your judgment.' But I appeal to this House, Sir, that it is rather better to trust the judgment of so many representatives who are here than to trust a single man's judgment and to pass this Resolution unanimously, and I am sure that once the districts of Bellary and Anantapur are allowed to continue paying the old assessment other districts will follow suit."

Diwan Bahadur P. KESAVA PILLAI :—"I move that the question be now put."

Mr. A. RANGANATHA MUDALIYAR :—"Sir, I think the hon. the Home Member has himself adduced the various grounds on which this Resolution should be accepted. I wish, Sir, that hon. Members of this House should for a moment confine their attention to the proposition before them and not be influenced by considerations which are not relevant to the proposition under discussion. The hon. the Home Member has admitted that for some time past the district has been passing through unfavourable seasons. I would like to take the House, if I may, not only over a period of the last three or four years but also over all the 30 years which cover the period of settlement. We began the settlement in 1301, and these are the remarks we find in the official documents :—

1301—Famine—Both monsoon failed—Great distress—Relief works opened—Dry remission granted.

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1302—Favourable.

1303—Irrregular and insufficient rainfall.

1304—Fair.

What the difference between the words 'fair' and 'favourable' is I should like to explain. I want hon. Members of this House to understand that the word 'fair' in official documents does not mean 'favourable'. The word 'favourable' may be taken to indicate that the conditions are 'normal'.

1305—Favourable."

The hon. Mr. A. R. KNAPP :—" May I rise to a point of order, Sir, and say that the amended Resolution confines itself to the codification of the principles of land revenue settlement ? "

The hon. the PRESIDENT :—" I understand the point is that this district was adversely affected in the past and so unjustly treated by the Government that the House would be well advised to insist on a legislative enactment being passed before it is resettled. That is the point."

Mr. E. W. LEGH :—" On a point of order, Sir. We have not had any discussion so far on the question of fairness of resettlement. The discussion so far went on only with regard to the unfair treatment that these districts had from the hands of Government. Now arguments on the question of resettlement have been advanced on the other side. I wish to know why one side of the House should be excluded from adducing those arguments."

The hon. the PRESIDENT :—" Did any Government Member offer to speak about the fairness of the resettlement ? "

Mr. E. W. LEGH :—" I say, Sir, that I intended to speak on that point, but I understood thereafter that I would be excluded from doing so."

The hon. the PRESIDENT :—" The hon. Member may have understood it so, but did the President tell him that because the Resolution has been amended, he could not speak on the question of fairness of resettlement ? "

The hon. Mr. A. R. KNAPP :—" Sir, with all respect due to you, I may say that you remarked that certain Amendments were inappropriate because they dealt with rates of assessment."

The hon. the PRESIDENT :—" The hon. Member certainly asked me what would become of some other Amendments. I said if this Amendment were adopted, other Amendments would be out of order. That is what I said. When I said they would be out of order I did not mean that hon. Members could not refer to anything in those Amendments. Amendments as Motions in the House will be out of order. These are matters of procedure. There is no use of making very strict rules. If it is found after Mr. Ranganatha Mudaliyar has spoken that the Government were under some misunderstanding of their own or of anybody else, they could speak with special leave from the President. But for them now to say that they are wholly blameless and the whole thing is being confused and all that is utterly wrong."

Mr. A. RANGANATHA MUDALIYAR :—" I shall with your permission proceed to give an account of the seasons during this period."

The hon. the PRESIDENT :—" One word of caution. In all these discussions the hon. Member will have to add a word and say that the rates proposed to be assessed for that particular fasli must be postponed for the legislation."

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Mr. A. RANGANATHA MUDALIYAR :—" I thought that the thing was so patent that I need not refer to it."

The hon. the PRESIDENT :—" It is not very patent after all."

Mr. A. RANGANATHA MUDALIYAR :—" To continue my account, Sir—

1308—Fair.

1309—Early monsoon failed. Ordinary remission granted in parts.

1310—Fair. Cholera.

" For the next three years, I am sorry I have not been able to obtain the necessary information. I therefore resume from fasli 1314.

1314—Unfavourable.

1315—Unfavourable.

1316—Better than in 1315. Prices abnormally high.

1317—Unfavourable—extensive sowings—crops failed for want of timely rains.

" Sir, I must say in passing that this failure of crops for want of timely rains is more terrible than suffering from famine. Because, if
12-45 p.m. we have no rains from the beginning we do not sow seed at all, whereas in the former case, the poor ryot spends a lot of labour and money in vain. He incurs a lot of expenditure and undergoes various troubles on the field and for a number of months, just when he is hoping to reap a very good crop, the rains fail, and his condition is much worse than what it would be if there was regular famine—

1318—Worse than even 1317. Test works opened in some taluks and also a poor house started.

1319—Unfavourable. Slightly better than 1318.

1320—Better, but outturn below normal.

1321—Season unfavourable more particularly for food-crops. Early rainfall and consequently korra and sajja did very badly.

1322—Rainfall in excess of requirements and had it not been for the rains received in November, the yield would have been exceedingly good. As it was, the cotton crop was spoilt and the yield of jonna was lowered by insect attack. This is also another miserable thing. We suffer mostly from want of rains and, at times, from more than what is required. When there are rains at inconvenient periods of the season, the crops suffer considerably."

Mr. E. W. LEGH :—" May I know, Sir, from what document the hon. Member is quoting ? "

Mr. A. RANGANATHA MUDALIYAR :—" Sir, I am reading from the report of the agricultural farm—

1323—Season was one of short rainfall, badly distributed. Yield less than in 1322.

1324—Rainfall defective. Rain confined to south-west monsoon. Poor return of cotton and food-crop.

1325—Rainfall in excess. Badly distributed. Poor yield of cholam.

1326—Rains unusually heavy and damaged mungari crops.

1327—Unfavourable.

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1328—Bad state of season responsible for increase in occasional remissions.

1329—Relinquishments have increased owing to poverty of soil and succession of bad seasons.

1330—There was actual famine, according to official terminology.

“ This is the condition of the tracts we are dealing with now. I contend that if the principles of land revenue settlement are embodied in a Bill there will be no reason whatever for enhancing the present assessment of that area from whatever standpoint you may judge. I want that the whole question should be put squarely and faced boldly. I am not at all afraid of the fate of the Resolution, because I am stating on facts and taking my stand on righteousness and truth and I hope to win my case at the hands of this House.

“ Sir, I would again remind the House as to how we are faring with regard to rainfall. During the ten years ending with 1900 the average rainfall was 22.68, in the decade ending with 1910, 21.22 and in the last decade it was 19.42. What does that indicate? Sir, the rainfall is becoming less and less and with what consequences you can easily understand. I shall just quote three extracts from the decennial reports to the Government and then resume my seat. During the period ending 1909-10, this is what the Collector of the district said: ‘Statement E shows the proportional variations in the occupied area, its assessment and the net land revenue. Except in faslis 1301 and 1306 both of which were famine years and in 1309 which was also an unfavourable year there has been a steady increase in the occupied area and the net land revenue. The increase is due to the struggle for existence consequent on the steady increase in population’. Please mark the reason given for increase in cultivation. It is not due to alleged prosperity, but to a hopeless struggle for existence. Then the report goes on to say

‘ It will be seen that in the ten years since fasli 1301, there have been two famine years, two years of partial scarcity, four years which can only be labelled as fair and two which come under the head favourable. The district has thus been passing through a long period of bad or indifferent seasons.’

“ Writing in 1895, the then Collector said that the ryots were reduced to a very low ebb owing to successive bad seasons and that the course of events since that date has certainly not improved their condition. Coming now, to the next ten years we find Mr. Robertson remarking as follows: ‘During the decennium there was no famine in the real sense of the term’—note the official language—‘so as to necessitate the opening of large relief works. But in 1908, a test work at a village called Kollur was opened. Further in faslis 1314-15 and 1317-18, on account of the favourable seasons, postponement of kists was ordered in some villages of Bellary. Special measures were taken for the disbursement of Takkavi loans during these seasons. And during the last decade also, Sir, the Collector has said that the south-west monsoon almost always began late and consequently sowing continued very late each season. Any one who knows anything about cultivation can understand what late sowing and untimely rainfall generally result in. So, my proposition is this: viewing it from any standpoint whatever there is no justification for enhancing the settlement rates. What is the objection on the part of Government to accept this modest resolution of mine? They are not going to suffer thereby. They know that the seasons had been bad for a

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series of years. They are prepared to grant remissions and I do not know how they are going to be worse off by accepting this Resolution. I hope that the hon. Members of this House will, with one voice, accept my Resolution and give this much needed relief to the poor people who are almost uniformly suffering in the two districts of Bellary and Anantapur."

Mr. E. W. LEGH :—" I do not know if I can speak on this Motion after the closure Motion has been moved. I would like, if I might be allowed, to answer the charge which has been levelled against the Government that they have treated these two districts unfairly (Bellary and Anantapur), districts which are amongst the least favoured districts in the presidency in respect of rainfall. That charge I would like to meet. I thought and I am not alone in so thinking that when Mr. Siva Rao's Amendment was carried by the House, it no longer wished to discuss the question as affecting particular districts, but that the discussion should be confined solely to the general question of the delay of the introduction of settlement till after the principles thereof are codified. So, if I am in order, Sir"

The hon. the PRESIDENT :—" The hon. Member is certainly in order."

Mr. E. W. LEGH :—" Sir I understand that there are two factors which are working in the minds of hon. Members in this House in moving this Resolution. One of these is the desire—which I am sure we all participate in, to be fair and just to these particular districts. There is also, I feel sure, at the back of the Amendment of Mr. Siva Rao, a desire to obtain the power to decide what rates of assessment shall be charged, not only in this district but in any given district. Now, Sir, we have had a good deal of discussion on that point. It seems to me that the discussion has gone very far from the real issue. The real issue is : under the Reformed Constitution has this House at present that power ? Was it the intention of the Joint Committee from whose report extracts have been read, that such powers should be given to the Legislative Councils as at present constituted ? Now, Sir, I am not a constitutional lawyer and it is not my business to give a pronouncement on that point. It is a question which will have to be decided and which will be decided not by this Council but by the Government of India themselves. It seems to me that before we have a decision by the Government of India on the point as to what powers are intended to be given to this House and the Houses similarly constituted as regards the fixing of actual taxation, it is premature for us to come to any conclusion on the point. Now, Sir, I quite understand the desire of the hon. Members to reach that stage when this House will have full power, and I am sure it is a privilege which this House will, before long, secure. But, Sir, at this moment it seems to me, having read the Government of India Act as I understand it, that we have not reached that stage and that it is quite unlikely that the Government of India will, at this stage, concede to us the right to decide without reference to the Government of India or to any other authority as to what the actual assessment shall be in any given district. Therefore, I think that the Amendment as it stands is neither useful to the particular districts nor for any other districts. For that reason, his Amendment should be opposed."

The hon. the PRESIDENT :—" Order, order. The Amendment which the hon. Member opposes has been already carried by the House."

Mr. E. W. LEGH :—" I mean, Sir, that this amended Resolution should be strongly opposed."

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"Sir, with regard to the other point, viz., the contention that the district has been unfairly treated, etc., I do think that I should give reasons for the orders passed by the Government, and I do also think that the hon. Members representing the district have a right to demand them.

"Sir, on the last occasion when the hon. Member (Mr. Ranganatha Mudaliyar) approached this subject, he said that the settlement of his district compared unfavourably with the resettlement of the Cuddapah district and on that occasion you ruled him out of order for quoting that. Now, I do not know how I can defend this resettlement without making some reference to that resettlement. The hon. Member from Bellary said that that resettlement was a fair one. Now, Sir, if you will excuse me, I would like to be permitted to refer to that in answer.

"Sir, the House knows that the resettlement which we are contemplating is one which terminated with the year 1919-20. The Cuddapah settlement was about 14 years previously. There was a difference of 14 years between these two resettlements. That is the first point which we have to remember in considering any comparison between them. We are not comparing two districts resettled on the same date, but we are comparing two districts resettled with an interval of 14 years between them. We have also to take into consideration the fact that it is during that interval the great War broke out and the further factors arose which have been operating on prices in this country.

"Now, Sir, in his speech in the beginning of the discussion the hon. Member from Bellary explained to the House what constituted the main work at resettlement. He explained to this House that the first consideration in resettlement was the fixing of commutation rates. Now, I want to make it perfectly sure that the House understands what is meant by that. The assessment for any given field is based on the assumption that the Government share is a share of the crop and, in order to arrive at the money value of that share, it is necessary that we should have a price fixed to value at. Sir, it is not the practice to fix the money at the prices obtaining at the time of the resettlement. The Government does not come and say that prices this year are very high, and therefore you must pay a very much higher assessment. The practice is to take 20 years prior to the date on which resettlement began and take the average price of those years. Much depends, of course, on the years you take. The hon. Member from Bellary has attacked the Government on the ground that they have not followed the ordinary practice in fixing the years on which the resettlement rates of the taluks (Bellary and Anantapur) should be based. Sir, if he will refer to the settlement of the same area prior to this one, he will find that the settlement of these districts at the previous date was made on a series of 20 years, without omitting any one year. Now, he claims that at the resettlement, we ought to have omitted certain years which were years of high prices, in addition to famine years. It is true that at the resettlement of Cuddapah in 1905, the years of high prices were omitted without question.

"Now, Sir, I am not going to question the propriety of the decision of the settlement officer, who had omitted those years without discussing the reasons why he did so. No question was at that time raised whether the principle of treating such years as famine years was right. By 1911 it was realized by every one that high prices were not necessarily

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an indication of famine. I think the House will very well understand that if we compare the prices of the present day with prices prevailing 20 years ago, it will be seen that they have gone up by about 300 per cent. If we apply the principle of treating every year in which high prices prevail as a famine year, then now-a-days every year must be considered as a famine year. It was by 1911 realized that the correct procedure was to exclude those years in which there was actual famine, considering the years of high prices as normal years unless there was any particular indication of famine."

Diwan Bahadur P. KESAVA PILLAI:—"Sir, I beg to point out that Mr. Moir and Mr. Davies were settlement officers in the Cuddapah district. And one of them being a Member of the Legislative Council, he will be able to explain why they omitted those years."

(The Member Mr. Davies was not in his seat.)

The hon. the PRESIDENT:—"Is it proposed that we should compel Members to be in their places? I have no power to do so."

Mr. E. W. LEGH:—"I am not criticizing the system which was followed at the date or at any other time. The system was not always at fault. As the hon. Member Mr. Ranganatha Mudaliyar said it was only at that particular date that the system of regarding years of high prices as famine years was followed. By 1911 it was realized that that practice was ridiculous, because every year would now have to be treated as a famine year.

"Mr. Ranganatha Mudaliyar further attacked the Government on the ground that even actual famine years had been included to calculate the commutation prices. I took some pains to look through the history of this case in the official records—I do not want to trouble the House with all the details—and I found that so far as this district is concerned there are only two years about which there is any doubt, i.e., 1908 and 1909. I find that in these two years the Collector informed the Government that the season was bad, that he anticipated the possibility of test works and that he would also have to start famine kitchens according to the Famine Code. I cannot find any further report of these two particular years; it may be that the Collector found it necessary to start test works but I cannot find any record of famine for 1908 or 1909. These were the years referred to in his speech in 1921 by Mr. Ranganatha Mudaliyar. So I make a reference to them. As regards the other years I cannot find any of them to be famine years."

Mr. A. RANGANATHA MUDALIYAR:—"In these years test works were opened; and they were intended to test whether there was famine or not. Then they were dropped. I say there is difference between famine years in the official sense and in the popular sense."

Mr. E. W. LEGH:—"There is this further point to be considered in fixing the commutation prices. The House will readily understand that the effect of the enhancement depends very largely upon the starting point. The enhancement will be the greater the lower you start. Looking up the records, I find that in the original settlement that took place twenty years before the resettlement there was no exclusion on the ground that any year was one of high prices. The starting point must therefore have been as high as it could reasonably be. And in making the resettlement we are justified in following the same practice. It is proper to take again a period of twenty years provided they are not famine years though they may be

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periods in which prices were high. I shall have reasons to refer later to some of the points which affect high prices. It is within the knowledge of this House that prices have jumped up during the last five years preceding the resettlement. And it does not seem likely that they will ever come back again to the point where they stood in the earlier years."

Mr. A. RANGANATHA MUDALIYAR:—"Sir, one of the accepted rules of the Government is that commutation prices are based with reference to past record and not on an intelligent anticipation of the future. Mr. Legh referred to the fact that there was no possibility of the prices coming down. I think he has no right to take into account what might happen in the future. He has to confine himself to what has already taken place."

Mr. E. W. LEGH:—"I fully accept the statement that anticipation of the future should be no consideration. I was claiming that the Government was right in including within the period on which resettlement was based, those years especially those late years in which prices were very much higher than in the earlier years."

"I have a further answer to give. The House would agree that the actual rates fixed as the respective commutation prices were rather high. The old rate for the Bellary district was Rs. 135 per garce. The rates are quoted by the garce—a measure which may or may not be known to the House. For the Cuddapah district the price at the old settlement and the resettlement was Rs. 139 or Rs. 4 higher. The calculated price of cholam at the time of the resettlement was Rs. 219. You will find that there is a difference of Rs. 84 between the two rates, and that the settlement has not been made at the rate of Rs. 219. Members who have had time and occasion to read the resettlement report will notice that the utmost that has been claimed on dry lands—I am speaking of dry lands, because they are far more important than the wet lands—is a rate of 3 annas or, $18\frac{3}{4}$ per cent on the black soil and $12\frac{1}{2}$ per cent on the red soil. That means to say, that the calculated rate at which assessment is made has risen from Rs. 135 to Rs. 151 or Rs. 159 as the case may be against the estimated value of Rs. 219. The rate at which the prices have been fixed is a long way below the maximum rate at which the figures of commutation prices work out."

"But that is not all. A series of calculations have been made by the settlement officer. Omitting all those years about which, from the ordinary point of view, there might be any doubt, the rise in the value of the crop amounts to something more than 50 per cent. Taking the utmost possible favourable attitude, that which Mr. Ranganatha Mudaliyar took, omitting all those years to which he referred, the rise comes to 26 per cent. I do not propose to admit that his judgment was correct when he said that those years should be omitted in the calculation. But even then the rise in the value of the crop would be so much as that."

"But that is not all. I have a comparison made of the actual rates now in force in the Cuddapah district and rates which will be in force in the black soil taluks of the Bellary and Anantapur districts as a result of the resettlement. Surely, Sir, this at least must appeal to every one. Taking two districts, two areas, rate by rate and outturn by outturn, and comparing fields where the outturns are similar, the rates in Bellary and Anantapur compare favourably with the rates in Cuddapah although the basis of calculation is the rate of 14 years later. That is to say that the actual result of the

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resettlement at the date of 1919-20 will be almost identical with the results of the settlements of the three taluks of the Cuddapah district 14 years earlier."

Mr. A. RANGANATHA MUDALIYAR :—" Sir, I do not know whether the hon. Member can refer to the Cuddapah district so much in detail."

The hon. the PRESIDENT :—" I think the hon. Member himself referred to the Cuddapah settlement."

Mr. A. RANGANATHA MUDALIYAR :—" I referred to Cuddapah to show that certain faslis were excluded either because they were famine years or years of abnormal prices. But the hon. Member now refers to them to tell us about the classification of lands, the mechanical composition and economical position and so many other things, which the House do not require."

The hon. the PRESIDENT :—" If one hon. Member refers to Cuddapah for one purpose another hon. Member can refer to it for another purpose. He need not refer to it for the same purpose. Presumably Cuddapah is somewhere near Bellary and Anantapur (laughter)."

Rai Bahadur T. M. NARASIMHACHARLU :—" Sir, Mr. Legh has kindly informed us that Cuddapah is over-assessed."

The hon. the PRESIDENT :—" We can consider that later on."

1-15 p.m. Mr. E. W. LEGH :—" Sir, my object in referring to the Cuddapah district is to try to remove from the minds of the House the idea that the particular districts we are dealing with, have been dealt with unfairly or on a different basis from that of the neighbouring districts. And it was in fact the hon. Member Mr. Ranganatha Mudaliyar himself who referred to that district and he referred with approval to the resettlement there. And if I can convince this House that the rates which are to be introduced into these particular taluks of Bellary and Anantapur districts will not be substantially higher than the rates which were introduced 14 years ago in a neighbouring district, then, Sir, I think I am entitled to claim that the districts have not been dealt with unfairly. It may be that gentlemen in this House, such of them as come from that part think that they are over-assessed. That is a point which we may not agree on or which we may dispute. I think that if we go to any ryot in any district, he will say that he is over-assessed."

" Well, Sir, there are one or two other points which I should like to refer to, because they are matters of considerable importance. Reference has been made to the decrease in the population of this particular area during the last decade preceding the resettlement. Now, Sir, that is a very big point indeed. It is, I admit *prima facie* a fair presumption that if the population of a district is not increasing or is not showing signs of increase, something is wrong, and the hon. Mover of the Motion drew from that fact the conclusion that the district was over-taxed, and that therefore the population was not increasing, and in fact it was the over-taxation in the district that was preventing the rise of population. Now, I must draw the attention of this House to some figures in connexion with this matter. The area has a very curious history. During the years of the great famine from 1871 to 1881, there was a fall in the population of these districts, and in those particular years the fall was 24 per cent. We can readily understand why there was

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a fall in the population in the district. It need not necessarily be only that the death-rate is very much higher than the birth-rate. It may be also that some people left the district."

Diwan Bahadur P. KESAVA PILLAI :—" Many died. Nearly a million people died in the Ceded districts."

Mr. E. W. LEGH :—" It may not only be that the death-rate is greater than the birth-rate, but there may be some other causes operating ; it may be that some persons left the district. In that period the population decreased by 24 per cent. But during the following ten years there was a rise of 25 per cent. Now, Sir, if the district was suffering from over-taxation, could it have recovered so quickly ? In fact there was a power of recovery in the district, and in spite of what is alleged about over-taxation, the people were able to recover their former position. If we follow the next ten years we find again that there was a rise of 8 per cent and during the succeeding ten years there was a rise of 4 per cent. That is to say, until the year 1911, that is until the period nine years before the resettlement, the population was on the rise. Now, Sir, I think I am justified in saying that it is not fair, that it is not correct to urge that the fall in the population during the last ten years preceding the resettlement was due to over-taxation. If it had been so, the same cause should have been operating throughout the whole period of thirty years, and it should have affected each of those decades preceding the resettlement. But it has not done so. It has affected only the last ten years. Therefore I say we are justified in saying that in the last ten years which are admitted by every one to have been bad years, as a result of plague and influenza in that particular period, the fall was due to special causes.

" Now, I do not think that I ought to detain the House much further, but there are a number of other points."

Diwan Bahadur P. KESAVA PILLAI :—" He has taken thirty minutes, Sir, and even more than that."

Mr. E. W. LEGH :—" I fear I have exceeded my time-limit, Sir. But it does take some time to discuss all these points, and I am afraid I may be boring the House. But I do feel it is an injustice to the Members representing those districts and this House itself, if they are not told and they do not hear what the plain facts are about the resettlement and the facts on which it was decided that the assessment might be raised.

" Now, one of the arguments urged against any rise in the rates of assessment in the district is that the total amount which has been borrowed by the ryots, so far as it is ascertainable, for it is difficult to ascertain exactly what it is, has risen. It is a fact that, so far as the settlement officer has been able to ascertain, the total amount of such borrowings is much larger than it was before. It has risen during the period under discussion, but there are several factors which have to be taken into account in considering the causes, etc., in relation thereto. Supposing that a man with a property worth, say, a thousand rupees borrows Rs. 500, he will have only the margin of the other Rs. 500. But supposing that the value of that property rises to Rs. 3,000 and he borrows Rs. 1,500, he would still have a margin of Rs. 1,500. Now what I would like to point out is that the total of the indebtedness has not risen comparatively with the total of the value of the land. If any gentleman takes the trouble of referring to the

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figures in respect of the valuation of the land in those districts and compares them with the figures in other districts, he will see that the ryot, even supposing that he has borrowed more money, is now substantially better off than he was 30 years previously. Again, there is another fact which has to be taken into consideration. From whom do all these ryots borrow? Now, it is said that when the ryot is hard-pressed he would go to the merchant and would borrow from him and thus get into his clutches. But if you look up the figures, you will see that out of the total amount borrowed so far as has been ascertained by the settlement officer, about four-fifths was borrowed by ryots from other ryots. And I think we may take it that these ryots will not be so hard on one another that they would treat the borrowing ryots as the merchants are admitted to do. This borrowing of money by ryots from other ryots does not mean or does not show that extreme poverty in which the ryot is said to be living. But it does mean that they borrow for not only the manure or seed for their land but for festivals, marriages and so on. They borrow because they have got credit in the open market, and I think it is within the common knowledge of this House that the ryot likes to borrow when he has credit at his command, and that he does not look upon it as a disgrace or as an uncommon thing to be done. He has credit and he likes to borrow"

Diwan Bahadur P. KESAVA PILLAI :—" This is a piece of information for which the hon. non-official Members of this House will feel very grateful to the hon. Member. . . ."

The hon. the PRESIDENT :—" Considering that we are near lunch time, it is a matter for the Deputy President to consider whether we may not forego all these courtesies and allow the debate to go on." (Laughter).

Mr. E. W. LEGH :—" The matter I am speaking about is within the knowledge of the Members of this House and I do not claim any private knowledge of it which is not known to other Members. If they do not agree with me, they need not vote with me.

" There is one last point, Sir, which I would like to put forward, and that is the increase in the extent of land cultivated. Now, it is argued that it has nothing to do with the case at all. It is said that the fact that a larger area of land within the district is cultivated does not indicate any increase of prosperity or anything else. I do not see how that argument can be supported. There has actually been within the last 25 years previous to the resettlement an increase of cultivation of something like 200,000 acres. There has been a decrease in the unoccupied area of a similar extent, and there is only left in fasli 1227 something like 97,000 acres of uncultivated land, that is to say, assessed waste, as against 298,000 at the beginning of the resettlement period. If it is claimed, as it might be claimed, that these lands are merely occupied and not cultivated, then I must refer hon. Members to another table in regard to these districts. I am afraid I have to trouble the House with some figures, but we are dealing with facts and figures, and I would just mention a few. If they refer to the figures they would find that between the years 1323 and 1327 of the occupied area in the district over 97 per cent was actually cultivated. In no taluk the cultivated area was less than 92 per cent. That is to say, there is very good evidence that the ryots have not only been occupying unoccupied land, but that they have also been cultivating it."

Diwan Bahadur P. KESAVA PILLAI :—" It is already lunch time, Sir."

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Mr. E. W. LEGH :—" Does the hon. Member want me to finish off, Sir ? "

The hon. the PRESIDENT :—" The hon. Member Mr. Legh can go on." (Laughter.)

Mr. E. W. LEGH :—" Well, Sir, if the districts were, as it has been suggested, in a hopeless state of indebtedness and loss of credit, I do not think we could expect to see an increase in the cultivation and the cultivated area.

" Now, Sir, one last point before I close. If the hon. Member Mr. Ranganatha Mudaliyar is claiming for his districts the sympathy of the House on account of bad seasons which they have had in recent years and is asking for special consideration on that ground for a series of years to come, then he is entitled to that sympathy, and should there be such circumstances, I have no doubt he will get that consideration. But, Sir, if he asks that because there have been in his district three or four bad years, therefore for the next thirty years there should be no increase, I would ask the House to remember that it is for thirty years that a settlement is made, and therefore within that period there can be no further rise in the assessment. I think that he is not entitled to claim that there should be no increase for thirty years because of three bad years. I have already pointed out that the population of the district recovered itself within one decade of the great famine, the greatest famine probably we have ever had in India, and that it has in fact a great power of recovery. Sir, I do not want any gentleman to judge unfairly or unjustly of that district, nor do I want the House to withdraw in any way the sympathy they may have for that area. Any sympathy they may feel may be extended to the area, but I do ask them that before they say that an unfair assessment has been imposed, they should consider the facts and figures which I have put before them and judge the matter on that basis."

The hon. Mr. A. R. KNAPP :—" Sir, with due regard to the physical feeling in the House, I shall try to be as brief as I possibly can. 1-30 p.m. After the very minute examination of the points raised by my hon. Friend, Mr. Ranganatha Mudaliyar, which has been made by Mr. Legh, I have no intention of going into details. There is only one matter in respect of which I would like to make a slight correction. I think Mr. Legh mentioned that if we adopt the basis which Mr. Ranganatha Mudaliyar himself wished to adopt for arriving at the commutation rate, we should be still left with an increase of 25 per cent. My calculations are that if we take exactly the ground on which Mr. Ranganatha Mudaliyar himself stands and accept his years without reservation, then we shall be entitled to take 40 per cent increase over our present assessments. He himself told us that any thing up to 20 per cent we must leave to the ryot for the purpose of improving his economic condition. There still remains 20 per cent, and we are only taking 18½. On the general question I feel at present that I am rather on shifting ground. I am not quite sure whether I am discussing the question whether on principle we should legislate before we introduce the Bellary system, or whether I am discussing the state of the district of Bellary. We are asked by this Resolution to say that we are not going to introduce a new settlement into Bellary until we legislate. Mr. Ranganatha Mudaliyar has told us that Bellary has been in a bad way and is in a bad way. Does he suggest that if we legislate, the conditions will be altered? Is legislation going to bring down rain from heaven? I find it difficult to follow the exact position which he takes up.

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Mr. E. W. LEGH :—" The matter I am speaking about is within the knowledge of the Members of this House and I do not claim any private knowledge of it which is not known to other Members. If they do not agree with me, they need not vote with me.

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Diwan Bahadur P. KESAVA PILLAI :—" It is already lunch time, Sir."

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like to ask him whether he would apply it the other way. Is he prepared to tell us now that there is nothing to prevent us from resettling all the districts this year and that we are not in the least prevented by the thirty years' contract? I should like to have that information from him."

Mr. S. SATYAMURTI :—" May I explain that I was enunciating an important principle that permanent settlement was contemplated when the ryotwari settlement was first introduced into this Presidency? Certainly I never meant to suggest, when I attacked the theory of the hon. the Home Member regarding a supposed contract between the ryot and the Government, that he can have it both ways, namely, attack me when I ask for a permanent settlement on the ground of a thirty years' contract and again speak of increasing the assessment at any time when it is urged that there is no such contract."

The hon. Mr. A. R. KNAPP :—" I am obliged to the hon. Member. Therefore, it means that there is a contract on the part of the Government which is binding on them not to resettle within thirty-years, but that there is no contract on the part of the ryots. Is that the position? (After a pause.) Well, Sir, I am prepared to leave it at that. But I will remember my hon. Friend's reflections on the subject.

" My hon. Friend read to us some observations made by the late Commander-in-Chief of India, Sir O'Moore Creagh. He painted a rather pathetic picture of the devastating effect of settlements generally on the unfortunate agriculturists in this country. I see no reason, and the hon. Member gave us no reasons, to believe that the observations in any way related to Madras. My own private recollection is that Sir O'Moore Creagh, when he once came to Madura in 1910, told me that he knew little or nothing of India south of Poona. So I am entitled to that extent to discount the effect which my hon. Friend would like to give to the opinions of a man, distinguished greatly in his own sphere, but I am afraid not to be accepted as an authority on revenue settlement in the Madras Presidency."

Mr. S. SATYAMURTI :—" Sir O'Moore Creagh wrote that after 1910."

The hon. Mr. A. R. KNAPP :—" If that is so, then we may hold that he was qualified by a couple of days spent in seeing the temples in Madura to give an opinion on revenue settlements in this Presidency.

" I do not think, Sir, that I need detain the House any longer. I would only ask the House to bear in mind what I have all along impressed on them, that this Resolution is not a question of coming to the immediate relief of the Bellary district with reference to the unfortunate series of bad years from which it has suffered. It is a matter of principle and it is on principle that I would ask the House to deal with it."

Mr. J. A. SALDANHA :—" May I ask the hon. Member one question, Sir?"

The hon. the PRESIDENT :—" No. I would remind the House that what we are voting on is the Motion on the paper and not on the speeches and sentiments expressed in the House. As there are new Members in the House, I have felt bound to give that caution. I will now put the Motion to vote."

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1-45 p.m. A poll was taken with the following result:—

Ayes.

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| 1. Mr. D. Appavu Chettiyar. | 44. Sriman Biswanath Das Mahasayo. |
| 2. „ Ari Gowder. | 45. Mr. S. Muttayya Mudaliyar. |
| 3. „ S. Arpudaswami Udayar. | 46. Diwan Bahadur S. Rm. Ot. Pethachi Chettiyar. |
| 4. „ P. K. S. Arumuga Nadar. | 47. Dr. P. Subbarayan. |
| 5. „ A. V. Bhanoji Rao. | 48. Rai Bahadur T. M. Narasimhacharlu. |
| 6. „ N. Devandrudu. | 49. Mr. P. Peddiraju. |
| 7. Rao Sahib S. Ellappa Chettiyar. | 50. „ A. Ranganatha Mudaliyar. |
| 8. Rao Bahadur P. C. Etirajulu Nayudu. | 51. „ J. A. Saldanha. |
| 9. „ Cruz Fernandez. | 52. „ M. Sitayya. |
| 10. Mr. P. Gopalan. | 53. „ M. R. Seturatnam Ayyar. |
| 11. „ B. Mahabala Hegde. | 54. „ R. Srinivasa Ayyangar. |
| 12. Diwan Bahadur M. Krishnan Nayar. | 55. „ C. V. Venkataramana Ayyangar. |
| 13. Rao Bahadur K. Krishnaswami Nayudu. | 56. Diwan Bahadur K. Suryanarayanamurti Nayudu. |
| 14. The Zamindar of Kurupam. | 57. Mr. K. Venkatachala Padayachi. |
| 15. Mr. V. Madhava Raja. | 58. Rao Bahadur C. Venkataranga Reddi. |
| 16. Honorary Lt. Madurai. | 59. Mr. M. Ratnaswami. |
| 17. Mr. T. Mallesappa. | 60. „ W. Vijayaraghava Mudaliyar. |
| 18. „ P. N. Marthandam Pillai. | 61. „ R. Veerian. |
| 19. „ B. Muniswami Nayudu. | 62. „ S. Satyamurti. |
| 20. Rao Bahadur A. M. Murugappa Chettiyar. | 63. „ T. Adinarayana Chettiyar. |
| 21. Mr. C. Muttayya Mudaliyar. | 64. „ C. Maruthavanam Pillai. |
| 22. „ B. Obalesappa. | 65. Rao Sahib U. Rama Rao. |
| 23. „ K. S. Ponnuswami Pillai. | 66. Mr. G. Rameswara Rao. |
| 24. „ K. Prabhakaran Tampan. | 67. „ P. C. Venkatapathi Raju. |
| 25. „ B. Ramachandra Reddi. | 68. „ Venkatarama Ayyar <i>alias</i> V. Pantulu Ayyar. |
| 26. „ A. Ramaswami Mudaliyar. | 69. „ B. Venkataratnam. |
| 27. „ P. Sagaram. | 70. „ Abbas Ali Khan. |
| 28. „ J. D. Samuel. | 71. „ G. Abdulla Ghatala Sahib. |
| 29. „ K. Sarabha Reddi. | 72. „ Abdul Hye Sahib. |
| 30. „ K. Sarvarayudu. | 73. „ V. Hamid Sultan Marakkayar. |
| 31. „ K. Sitarama Reddi. | 74. Khan Bahadur P. Khalif-ul-lah Sahib. |
| 32. „ Chavadi K. Subramania Pillai. | 75. Mr. T. M. Moidu Sahib. |
| 33. Diwan Bahadur P. Kesava Pillai. | 76. „ Muhammad Moosa Sait Sahib. |
| 34. Rao Bahadur C. Natesa Mudaliyar. | 77. „ T. N. Bava Ravuttar Muhammad Sahib. |
| 35. „ T. A. Ramalinga Chettiyar. | 78. Khan Sahib Saiyid Diwan Abdul Razaak Sahib. |
| 36. Mr. C. Ramalinga Reddi. | 79. Mr. K. Uppi Sahib. |
| 37. Rao Bahadur A. S. Krishna Rao Pantulu. | 80. „ Munshi Abdul Wahab Sahib. |
| 38. „ C. V. S. Narasimha Raju. | 81. „ Janab Muhammad Yahya Ali Sahib. |
| 39. Mr. P. Siva Rao. | |
| 40. „ A. Chidambara Nadar. | |
| 41. „ K. Koti Reddi. | |
| 42. „ J. Kuppuswami. | |
| 43. „ P. Anjaneyulu. | |

Noes.

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|---|-------------------------|
| 1. The hon. Sir Charles Todhunter. | 7. Mr. R. W. Davies. |
| 2. „ Mr. A. R. Knapp. | 8. „ E. W. Legh. |
| 3. „ „ C. P. Ramaswami Ayyar. | 9. „ P. L. Moore. |
| 4. „ the Raja of Panagal. | 10. „ G. F. Paddison. |
| 5. „ Rao Bahadur A. P. Patro. | 11. „ H. Tireman. |
| 6. „ Diwan Bahadur T. N. Sivagnanam Pillai. | 12. „ J. A. Davis. |
| | 13. „ A. E. Rencontre. |
| | 14. The Raja of Ramnad. |

The Motion was declared carried, 81 hon. Members voting *for* the Motion and 14 *against* it.

MR. A. RANGANATHA MUDALIYAR:—“ May I, with your permission, Sir, thank the House for passing this Resolution ?” (Cries of ‘ Order, order ’).

The hon. the PRESIDENT:—“ Order, order. The House will now adjourn for lunch and meet again at 3 p.m.”

The House then adjourned for lunch at 1-45 p.m.

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The House re-assembled after lunch at 3 o'clock with the hon. the Deputy President in the Chair.

ELECTION OF PRESIDENTS OF DISTRICT BOARDS.

Mr. A. RANGANATHA MUDALIYAR :—" Sir, I beg to move—

11. *That this Council recommends to the Government that all district boards should be given the right to elect their own presidents unless, for reasons to be notified in the "Fort St. George Gazette," the Government decide to the contrary."*

Mr. P. PEDDIRAZU :—" I rise to second the Resolution. And in rising to do so, I may say I have tabled a similar Resolution (No. 28 on the agenda) and I have no objection to accept the Motion that has been moved by my hon. Friend Mr. Ranganatha Mudaliyar."

The hon. the RAJA OF PANAGAL :—" Mr. President, I may say, Sir, that opinions have been recently expressed that the Government have been delaying to introduce the principle of giving district boards the right of electing their presidents. I admit, Sir, that the Government have been moving rather slowly and with caution in this direction. But if they have done so, they had their own reasons. In the first place, Sir, the district boards have been reconstituted and have been in a transition stage after the passing of the Local Boards Act of 1920. Secondly, the financial position of most of these boards was not satisfactory. For these reasons, the Government thought they could move only slowly in the matter. At present there are six boards enjoying this privilege. They are the district boards of Nellore, Madura, South Kanara, Kurnool and recently we have given the privilege of electing its president to each of the district boards of Tinnevely and Tanjore. Thus, Sir, out of 25 district boards, six enjoy this privilege. Sir, in this connexion, I should, with your permission, like to read from the report of the select committee in connexion with the passing of the Local Boards Act in 1920. The committee says :

' Under the original Bill, the president of a district board or taluk board and the chairman of a panchayat might be appointed by the Government or elected by the local board or panchayat if so authorised by the Government. And the president of a taluk board and the chairman of a panchayat might be an outsider. We think it essential that the president of a local board should be chosen from among its members. We discussed at some length the question whether presidents of local boards should not ordinarily be elected. In the case of district boards the interests involved are so large and important that for some time to come we would have the president carefully selected. We have therefore permitted the existing arrangements to continue and the Government will continue to have the power to appoint presidents of district boards and to permit their election. We think that the presidents of taluk boards should be elected unless the Government direct otherwise and that a union board president should always be elected. The vice-president of a district or taluk board should, in our opinion, be also always elected.'

" This, Sir, was the opinion of the select committee which consisted of a majority of non-officials. And it is therefore that the Government went on slowly in giving the boards the right to elect their presidents. As I have already stated, there was also the difficulty experienced on account of the financial embarrassments of the boards. Now that the financial position has become better and most of the district boards have had their representatives from the reconstituted taluk boards those difficulties do not stand in the way of the Government moving more rapidly in this direction. And my hon. Friend has worded his Resolution allowing room for retaining the nominated presidents where reasons existed for their retention. Sir, I have no objection

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to allow a board to elect its president, provided two-thirds of the members ask for election. I must also inform the House that there are boards where the Government may, for special reasons, have to appoint presidents from particular communities. I understand the hon. Mover's Resolution admits of such consideration. With these remarks I shall be glad to accept the Resolution."

Mr. S. SATYAMURTI :—" May I ask one question of the hon. the Chief Minister? I understood him, Sir, to say that he was willing to allow the privilege of election in the case of those district boards where two-thirds of the members ask for it. The House will see that the Resolution does not contemplate that condition. Does the hon. the Chief Minister move an Amendment to the Resolution now moved?"

The hon. the RAJA OF PANAGAL :—" I said that the Resolution as it is worded admits of such consideration."

Mr. YAHYA ALI SAHIB :—" May I now rise to oppose the Motion, Sir? If I rise to do so, it is because, as a representative of the Muhammadan community, I feel that the Resolution as at present worded does not furnish sufficient scope for the representatives of Muhammadans to become presidents of district boards. If I have the assurance that under the proviso that has been added to the Resolution by the hon. the Chief Minister the case of adequate representation of the Muhammadans has also been included, I mean if express provision is made with regard to that, I will withdraw my opposition. But as it is, I am absolutely sure that if the door of election is thrown open the opportunities of the Muhammadan community at any rate, so far as holding the posts of presidents of district boards is concerned, will not be sufficiently safeguarded. I therefore submit, Sir, that if a system of separate representation for the Muhammadans is provided in connexion with the principles of direct election to the district boards, it is not contemplated in the Local Boards Act Amendment Bill. The time has not yet come for us to consider the question of the extension of the principle of election so far as the office of the president of the district board is concerned. I wish therefore that this question may be deferred till the Local Boards Act Amendment Bill is brought forward. And unless proper safeguards are provided in the interests of the Muhammadan community I have to oppose the Motion. In the Motion as it is worded, I do not find any express provision for the representation of the Muhammadan community. I do not know, Sir, if I will be in order if I move an amendment to the Resolution at this stage. If I will be, I shall move it; if I am ruled out, I wish to be content with opposing the Motion. I pause for your permission, Sir."

The hon. the DEPUTY PRESIDENT (in the Chair) :—" Will you kindly send round the Amendment so that I may see if it fits in with the Resolution?"

3-15 p m.

Mr. YAHYA ALI SAHIB :—" Sir, my Amendment is just to safeguard representation of Muhammadans and other minority communities in the local bodies. I am sending it up, Sir."

Mr. P. L. MOORE :—" Sir, may I know if you are suspending the operation of the Standing Order for notice?"

The hon. the DEPUTY PRESIDENT :—" No, I am not doing anything. I am waiting to see what the Amendment is."

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The Amendment of Mr. Yahya Ali Sahib was handed to the Deputy President who after scrutinizing it said :—

“ I think the object of your Amendment could be obtained in some other way. This Amendment does not fit into the Resolution. I am afraid I cannot allow you to bring forward the Amendment and I must rule you out of order. The Resolution is about the right of electing its own president and how does the question of representation of Muhammadans or other minority interests in the local bodies arise here ? ”

Mr. YAHYA ALI SAHIB :—“ May I explain ? ”

The hon. the DEPUTY PRESIDENT :—“ I am sorry the matter is settled.”

At this stage the hon. the President arrived and took the Chair.

Mr. YAHYA ALI SAHIB :—“ I was submitting, Sir, before you arrived, that the Resolution as it stands does not provide sufficient safeguard for the adequate representation of my Muhammadan community and that therefore unless a particular Amendment is allowed the attitude of the Muhammadans will have only to be one to oppose the Motion. I request that permission may be given to suspend the rules regarding notice and to move an Amendment. If that is granted, I shall be very much obliged.”

Diwan Bahadur P. KESAVA PILLAI :—“ The matter has been settled.”

The hon. the PRESIDENT :—“ I understand that the Deputy President has refused to waive the Standing Order. Why has not the hon. Member sent his Amendment in time ? I see there are other Amendments by other hon. Members and surely there was time for the hon. Member, Mr. Yahya Ali Sahib, to have sent his Amendment in time.”

Mr. YAHYA ALI SAHIB :—“ Sir, I was somehow or other under the impression that the Resolution would not come up for discussion so soon and that it would have advanced to this state of discussion. I request your permission to move the Amendment.”

Mr. C. RAMALINGA REDDI :—“ He is a new Member, Sir, and he may be shown some indulgence in the matter, if you please.”

The hon. the PRESIDENT :—“ I do not think it should be allowed now ; but the hon. Member had better wait till we make some progress with the Motion and watch the trend of the debate and if he finds that the trend of the debate is such that it is necessary to put forward his Amendment, he may then do so.”

Diwan Bahadur P. KESAVA PILLAI :—“ The original proposition has already been accepted. It has been moved and seconded and the hon. the Raja of Panagal has accepted the Motion.”

The hon. the PRESIDENT :—“ Has the Amendment by the hon. Mr. Siva Rao been disposed of ? ”

Mr. C. RAMALINGA REDDI :—“ No, Sir.”

The hon. the PRESIDENT :—“ I am very sorry I have come in to interrupt you in the middle of what appears to be a very interesting matter ; it would have been far better if I had remained outside just a while more. However, the acceptance of a Motion by the Government does not end the discussion. It may be that a friendly Member may bring a Motion and the Government may accept it. But that cannot put an end to any further discussion. If in

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the course of further discussion it is found necessary to bring in an Amendment, then it will be time to consider whether I should suspend the Standing Orders with respect to the notice. I think it is rather better to allow the discussion to go on now."

Mr. C. V. VENKATARAMANA AYYANGAR :—" I cannot understand the proposition as it is worded. It is rather vague and requires definite Amendments. For instance, the latter portion practically nullifies the effect of the former portion. The only thing the Government has to do is to notify in the gazette that a particular district does not deserve election and that therefore there will be nomination and that settles the matter. Much has been said at the time when the 'No-confidence' Motion was discussed and much has been said about the way in which nominations have been made in the past. Now, the Government have got the right under the Act to declare any presidentship open to election. Therefore to give them some power qualifying it by saying whenever they exercise the power they should publish it in the gazette is something which is not worth the trouble. If we do really attempt to satisfy the aspirations of the people, I think some attempt should be made to restrict the power of the Government under this Act.

3-30 p.m. " If it is clearly specified in the Resolution itself that it is for any particular purpose such as the safeguarding of minorities or some such other thing the position would have been different. Unless we do something to curtail the power of the Government as regards these nominations this Resolution will practically become a dead letter. If we really want to modify the present Act or rather to give effect to the provision of this Act regarding elections materially and to curtail the power that has been now exercised by Government it is very desirable that some more qualifications are put in there, giving the power to Government only in exceptional cases where the interests of the minorities are to be satisfied and so on. Therefore, Sir, I do not like the present wording of the Resolution. Though many of us would like to have some such Resolution as this we would give our full and whole-hearted support if the power of the Government is a little more curtailed restricting the nomination only to cases where the interests of the minorities such as Muhammadans are to be safeguarded. There is a strong opinion that the proposition as it is does not advance the popular cause very much beyond what it is in the present Act. If really we want to restrict the powers of the Government under the present Act, we should have some such powers clearly indicated as to the few cases in which such powers can be exercised. I appeal to the House and to the Mover also to clearly state the circumstances under which Government can exercise this power. If that is done the proposition will have more whole-hearted support from us than it is at present."

Mr. C. RAMALINGA REDDI :—" I never expected to be here this afternoon and I had no idea of intervening in this debate. But in view of the importance of the Resolution tabled I thought I should contribute my little share in the clearing of all the issues involved by this recommendation. Our object is ultimately to try and throw open all the district board presidentships to election. I advisedly use the word 'ultimately' for two reasons, or rather three. At present as things are now, there is no direct election to the district boards. Any gentleman who wants to serve his district as a member of the district board has either to

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get elected first as a member of the taluk board and then by the taluk board to the district board—a process of double distillation—or he has to depend upon nomination whether on the recommendation of the president of the district board or on the hon. the Minister for Local Self-Government. More than once the opinion has been expressed in this House that that state of affairs was very unsatisfactory. Consider, for instance, especially the case of a small minority community like that of the Muhammadans—when I say that I am not pleading for the Muhammadans, but for all minority communities—who have to run the gauntlet of taluk board elections. If they survive, they have to depend upon the Hindu majority to get elected for the district board. Then there is the good grace of the hon. the Minister to fall back upon. But whether that grace has been employed either directly by him or through his agency of the district board president in order to achieve the real object, that it is a debatable matter on which I do not wish to enlarge on the present occasion. So the minority communities are at a terrible disadvantage in respect of the chances they have to serve in the boards. And there is the further difficulty. At present I understand that about one-fourth of the members of the district board may be nominated. We know how these nominations are done. The matter was discussed at a meeting of the advisory board last year on a proposition introduced by my hon. Friend, the then Secretary of that department, who is not unfortunately here. He recommended that in future these nominations may be made by the district collectors and not by the district board presidents.”

The hon. the PRESIDENT:—“We are discussing about the presidents of district boards. The hon. Member is discussing the question of nominations.”

Mr. C. RAMALINGA REDDI:—“Sir, I will not pursue that. For my purpose it is enough if I say that one-fourth of the members are nominated in which nomination the presidents of the district boards play a large part and that therefore when the presidentship is thrown open to election the presidents will practically secure one-fourth of the votes and that will not meet the ends of justice.”

The hon. the RAJA OF PANAGAL:—“Am I to understand, Sir, that the hon. Member is opposed to the Resolution itself?”

The hon. the PRESIDENT:—“The hon. Member will know it later on.”

Mr. C. RAMALINGA REDDI:—“Precisely you have anticipated my reply, Sir. Therefore, those of us who were anxious that these seats should be thrown open for election were anxious not as an item in itself but as an item in a comprehensive reform of the present local board system. Mr. Yahya Ali who in one branch of that system has considerable experience, I believe, pointed out the general lines on which such comprehensive reforms should take place, namely, firstly direct elections to district boards and secondly reservation of seats for the minority communities either by means of special electorates or in some other manner, and then the abolition or minimisation of the nominations. If by these reforms you throw open the presidentships of district boards to election then my Christian friends cannot ask any kind of reservation without which they will have no chance whatsoever under the existing circumstances. I mention this because as it stands this may be democratisation. As a matter of fact even that is not as I shall presently show. The only possible goal for India is some kind of ethnic federalism.

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As the Resolution stands at present it seems to give away with one hand what it receives with the other (hear, hear). For there is this proviso, 'unless for reasons to be notified the Government decide to the contrary.' The suggestion thrown out by my hon. Friend Mr. Yahya Ali, if accepted, would make this Resolution more specific. It would show that as far as possible except for the purpose of securing the district board presidents for minority communities such as the Muhammadans, Indian Christians and depressed classes this power of nomination shall not be employed. The reform shall be that everything shall be thrown open to election unless fighting in the election under the existing circumstances does not mete justice to these minority communities and the benign Government, acting through the hon. the Chief Minister who is responsible to this House, decides to nominate these people. If such nomination is made it shall be to the people of the minorities only and not to others (hear, hear). Therefore I hope I can appeal to the feeling of democracy in this House. If Mr. Yahya Ali's Amendment is moved and accepted the whole difficulty will disappear. I therefore would urge that you should be so good as to permit my hon. Friend to move that Amendment."

The hon. the PRESIDENT:—"The Deputy President has disallowed it. I think I cannot do anything further."

Mr. S. SATYAMURTI:—"With due deference to your knowledge of Standing Orders, I wish to submit this to you Mr. President. I think that whenever an amendment has to be moved without the two days' notice, the President has to first suspend the Standing Order requiring notice of the amendment and then permit the amendment to be moved. Then the question will arise as to whether the amendment is in order or out of order. As far as I remember the Deputy President seemed more concerned with the relevancy of the point raised in the Amendment as to whether the Amendment was in order or out of order and not the previous question whether the two days' notice required was given. No request was made formally to suspend the Standing Order which ought to have been made. I request you will be so good as to suspend the Standing Order and allow my hon. Friend to move the Amendment."

The hon. the PRESIDENT:—"It will be convenient to hear the Deputy President himself."

Diwan Bahadur P. KESAVA PILLAI:—"I think my Friend's memory is not quite correct. The hon. Muslim Member began by saying, 'with your permission Mr. President I beg to move'. I am pleading here as a guilty person."

The hon. the PRESIDENT:—"Certainly not."

Diwan Bahadur P. KESAVA PILLAI:—"I must state that this gentleman (Mr. Satyamurti) was quite incorrect in the statement of facts. The hon. Muslim Member said, 'if you would permit me, Sir, at this stage'. If he had not said so I would not have opposed. Mr. Narasimha Raju wanted to move some amendment and I told him that the President should be asked about that. I am not doing anything like what the hon. Gentleman said. You will be good enough to see whether the request now made is worth considering. I thought it was not proper to allow the Amendment and so I disallowed it. These gentlemen are now making this appeal to you, and calling my order into question."

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Mr. C. RAMALINGA REDDI:—"The Deputy President has been using the plural number. I do not know how many he has intended to cover."

Diwan Bahadur P. KESAVA PILLAI:—"Including yourself, Sir."

Mr. C. RAMALINGA REDDI:—"It is hardly in keeping with the courtesy usually observed in this House."

The hon. the PRESIDENT:—"I would now insist on everybody getting up in his place if he wants to say anything and he must speak when I call upon him to speak. If any breach of that rule is made it will be visited with some serious consequence."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"You have stated, Sir, the point of order which I desired to raise that it is advisable for hon. Members to get up in their seats when addressing."

The hon. the PRESIDENT:—"I think I have stated that very clearly."

Mr. C. RAMALINGA REDDI:—"I did not question the ruling of the hon. the Deputy President either before or now and I had no intention of doing it. But I was under the impression that after the discussion had proceeded to a certain extent the point might be re-opened. I was not appealing to you against the ruling of the Deputy President who seems to be extremely sensitive."

The hon. the PRESIDENT:—"I have heard the explanation of the hon. Member with great pleasure and I am sure my hon. Friend the Deputy President shares that pleasure."

Diwan Bahadur Mr. P. KESAVA PILLAI:—"Quite so."

Mr. S. ARPUDASWAMI UDAYAR:—Mr. President, Sir, I am very thankful to the last speaker, the hon. Member Mr. C. Ramalinga Reddi, for the able manner in which he championed the interests of minorities. As representing a minority, I really think a clear assurance should be given that the cause of these minorities would be safeguarded. If in any district it is found that a member of the district board, be he a Muhammadan or an Indian Christian or a member of the depressed classes, possesses special capacity, ability and talents of administration but at the same time he is not sure of being elected a president, he might be nominated, so that the district board might have the advantage of utilizing his talents and abilities and the community also will not be debarred from the privilege of having one of its ablest members as the president of the district board. The Amendment having been disallowed, might I respectfully ask for an assurance that this clause covers also cases of this kind, that is, where Government see that where the office of the president of a district board is to be thrown open to election, there is no possibility of a Muhammadan gentleman or an Indian Christian gentleman or a member of the depressed classes who has shown remarkable powers and capacity of administration but has no chances of being elected a president, being debarred from being nominated to that post after stating such reasons in the *Fort St. George Gazette*? I wish to have information on this point."

Mr. R. VEERIAN:—"Mr. President, Sir, I assure you that this time I will be as steady as possible in making my speech (laughter). My hon. Friends

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applaud whenever I rise to speak. My hon. Friends listen to me with very great admiration (laughter) because though I am not an orator, to some extent I create a certain amount of enthusiasm and spirit. I have my own impression on this matter and that impression is a sound one as far as my practical knowledge goes. Certainly a good amount of prudence is very essential in this matter. Local conditions should also be taken into consideration. For instance, conditions that are prevailing in the Salem district will be quite different from those in other districts. This House is aware that the district board presidents are vested with executive powers. Therefore, they are bound to utilize their full time in executing their functions in order to satisfy the general public as far as possible. But the results are far from satisfactory. I put it in that strong language, Sir. What I want to suggest is that every District Collector should also be consulted in the matter of either nominating district board presidents or throwing open to election of that office, because the Collectors are the direct agencies of the Government in every district and I am sure they are posted with any amount of information. Even if they are not posted with information, they are able enough to get that information from their daily dealings. That is what I have learnt from my practical knowledge and experience. My hon. Friend Mr. Arpudaswami Udayar has rightly put it, Sir, that the interests of the minority communities will not be protected unless nominations also are made. I quite agree, Sir, that supposing there is a member belonging to the depressed classes and he is an intelligent man possessing great capacity and administrative powers, we cannot ignore his claims. Certainly he is eligible to become president vested with executive powers and I am sure he can do wonders (cheers and laughter). But it is a great pity, Sir, that no such gentleman is appointed up to now. I think that if the office is thrown open to election, nobody belonging to the depressed classes would be elected on account of sentimental objections though not for want of capacity, character or any educational qualification. I am sure there are several energetic men who could do wonders among the members of the depressed classes (hear, hear). I request the hon. the Chief Minister to show his practical sympathy and try his best to nominate members of the depressed classes as district board presidents. He should show this as a practical instance. With this motive, I beg to oppose this Resolution brought forward by my hon. Friend. I think that the present tendency is not much in favour among some hon. Members, that is, of giving powers to the hon. the Chief Minister to nominate persons—, because they think that if that power is given to the Minister, he may nominate a person who is not at all conversant with the conditions of the district. Therefore, they think that it is unnecessary to give such power to the hon. the Minister. But if power is given to the Minister, it helps to some extent the depressed classes. He will try to nominate a member of the depressed classes. When I say this it should not be supposed that I am longing for that post (laughter and cheers), because I think I can do more work outside the Council than inside. If I am given executive functions, all my hands and legs will be tied and I will have to answer numerous persons who will put a lot of interpellations and worry me, and it will be a great bother. Instead of accepting such an office, it is far better not to seek such appointment especially when it has executive functions. But to accept membership in the district board is quite a different thing. With these few remarks, I oppose the Resolution."

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Mr. J. A. SALDANHA :—" Mr. President, Sir, I am afraid that too much and exaggerated importance has been given to the difficulties of minorities. If I can quote instances from South Kanara, I may mention the case of my Friend Khan Bahadur Abdulla Sahib who is the President of the Taluk Board of Udipi. He has been elected as the president and it looks as if his popularity has made him almost a permanent president. To take the analogous instance of municipality, in Mangalore itself, though the Roman Catholics are in a minority, for several years it was a Roman Catholic that was elected the Chairman of the Municipality."

Mr. S. ARPUDASWANI UDAYAR :—" That is not true, Sir."

Mr. J. A. SALDANHA :—" I speak from my own experience of Mangalore. Then, take the instance of the Bombay city. There, there is a sort of pact, and a well observed pact, that a Muhammadan, a Hindu, a Parsee, an European, etc., has to be elected by rotation as President of the Corporation. We know that very distinguished men like Sir Ibrahim Rahimtulla and other Muhammadan gentlemen who had taken active part in municipal administration were cheerfully elected presidents unanimously by the Corporation. So I think we should not attach too much importance to minorities being placed in a disadvantage. If gentlemen belonging to minorities such as the Muhammadans take active part in municipal affairs or local board affairs, we may rest assured that our friends belonging to the minority communities will with acclamation be elected presidents. Very often it happens that on account of feuds and conflicts, say among the Hindus or among the sub-castes of a main caste, they often prefer to elect a Muhammadan or an Indian Christian to settle their difficulties, as a gentleman who does not belong to that particular clan is preferred. As to the proposition itself which is before the House, I think the principle of it has been accepted by the hon. the Chief Minister. We should accept it subject to the proviso which is there or subject to any other proviso that may be permitted to be moved in the interests of the minorities if that is considered necessary by the House. But I for one, with the assurance given by the hon. the Chief Minister, accept this Motion proposed by the hon. Mover."

Sriman BISWANATH DAS Mahasayo :—" Sir, I am thankful to the previous speaker for having cleared much of the doubts that were entertained by some of the representatives of the minority communities and especially the Muhammadans. I fail to understand how direct election would help in safeguarding the interests of the minorities such as the Muhammadans. If my memory does not fail me, I believe, representatives of Hindus and Muhammadans that met at Lucknow came to the conclusion that the system of communal representation should not be introduced in local boards and local self-government affairs. The system of communal representation in vogue now in India was not referred to by the Southborough Committee and was not very much advocated even in the Joint Committee report. Therefore, I do not find it desirable that we should think of introducing communal representation in the coming Local Self-Government Bill. Even if there is such a representation, I do not know how it would help these minority communities. I think the interests of the minorities will be safeguarded better if they would only trust to the friendship of their brothers of other communities in the district. That seems to be the only guarantee and the only safeguard of their interests. It is only a few months back that we, the District

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Board of Ganjam, unanimously elected a Christian gentleman as Vice-President. If direct representation is given I am sure they cannot have more than one representative in the district board either
 4 p.m. from the point of view of the interests connected with the question or from the point of view of principle, and one representative cannot at any moment think of having either a vice-presidency or a membership in any district board, not to speak of presidency. It is therefore hoping against hope to think that an amending Bill which may not be within sight would be a millennium. However I am sorry that I do not agree very much with the Resolution of my hon. Friend Mr. Ranganatha Mudaliyar inasmuch as it does not go far in the sense that it leaves something in the hands of Government to have their own choice. The idea of nomination is something that is abhorrent to me. When the Local Self-Government Bill was considered before the old Council, some Members of that Council fought very hard to have the power of electing presidents. I think, Sir, you were then the Member in charge of the Bill and gave them an assurance that it would be done as soon as possible. You were kind enough to declare, Sir, a few district board presidencies be thrown open for election. As a matter of fact that experiment was tried and found successful. I am sorry that the hon. the Chief Minister has not shown any progress".

The hon. the RAJA OF PANAGAL :—"May I point out, Sir, that during the last three years as many as six boards have been given the privilege of electing their presidents?"

Sriman BISWANATH DAS Mahasayo :—"It is only a few days ago, Sir."

The hon. the RAJA OF PANAGAL :—"It was impossible for the Government to allow this privilege earlier because the boards had been in a transition stage. After the introduction of the Local Boards Act of 1920, most of the taluk boards have been re-constituted. When the district boards were not fully representative, the Government thought that it would not be proper to allow the privilege of having their presidents elected."

Sriman BISWANATH DAS Mahasayo :—"I have taken down what the hon. the Chief Minister said, viz., that the first cause was that the boards were in a transitional stage, the second that the finances were bad, and the third that the boards were reconstituted. I do not know how the reconstitution of boards could delay things of this sort. Some district boards sent their representations to Government last year, and in spite of their repeated requests they have not got the privilege. I know that my Board unanimously, on the motion of non-Brahmans and Mussalman friends of ours, requested the Government more than twice to throw open the presidency for election. This has not been conceded and from the reply that fell from the hon. the Chief Minister, he seems to believe at least it was doubtful. Whether or not those boards that have already asked for franchise of election will have that privilege, he does not make clear. Again, these nominations have not always been welcome, nor were they well received by the people of the district. I have my own impressions about it. Last time when a motion on this very identical subject was moved by my hon. Friend Mr. Siva Rao, the hon. Member for Vizagapatam. (I mean Mr. Narasimha Raju) said that if this privilege were kept very long in the hands of the Ministry they would only bring discredit on the Government or the party in power, and it was therefore desirable that it should be thrown open for election as soon as

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possible. Three years have already passed, and I should like to know what progress we have made. We have done very little and our pace is very slow.

"Then, Sir, if you will look into the newspapers you will see that most of the presidents of district boards—it may be in their private capacity—acted as agents to the parties, and some of them acted as agents to the Ministry here that stood as candidates in their respective districts."

Diwan Bahadur P. KESAVA PILLAI:—"I rise to a point of order. Nearly a dozen Members have spoken like this. I for one deny that I ever acted as agent to the Ministry. It is rather a vilification."

Sriman BISWANATH DAS MAHASAYO:—"I know that. I say that from personal knowledge. I speak of my district, and I apologize if he takes it amiss. I say I have got everything on record. I do not speak anything which I cannot prove."

"This being so, Sir, I think the Resolution does not go very far. The presidentships of district boards should be absolutely left open for election. If my Mussalman friends do think that they do not find places in them, I think as private individuals we shall appeal to the gentlemen belonging to other castes in those districts whether they cannot help the former. I think that would be the best guarantee that they can ever have, or if they want to press any Amendment I for one have no objection. I do not think there will be many in this House who will take objection to that course. Anyway our belief is very strong on the point that we do not go further. With these few words, I support the Resolution."

Mr. T. ADINARAYANA CHETTIYAR:—"Sir, every Member of this House knows that things are not satisfactory in this department. In the first place, we heard that only 6 out of 25 district boards at present enjoy the privilege of electing their presidents. If the hon. the Chief Minister does not seem to be proud of this state of affairs, I need not offer any remarks about it. That the hon. the Chief Minister has conceded that wherever two-thirds of the members of a district board ask for the election of president the elective franchise will be given, is not encouraging. Whether two-thirds of the members ask for it or not, we must insist upon the franchise being given. We know that the concession which he yields is nothing, because it is common knowledge that during the last three years in which he has been in charge of the Local Self-Government portfolio, the composition of the district board, especially the nominated portion, does not represent the views of the majority of the people."

"Mr. President, one of the reasons, not convincing, but all the same adduced by the hon. the Chief Minister, as to why he could not throw open district board presidentships for election was that their finances were bad. Sir, may I ask, what guarantee is there that this financial stringency will not be perpetual and that nominations will not be allowed to go on? I wish also to point out to the hon. the Chief Minister that the aim of all good administration must be not only good, but such as will convince the world that it is good. My previous speaker said that there is a good deal of suspicion regarding nominations. It is true to say, if I am not mistaken, that the gift of nomination has been misused in this particular department, and that suspicion appears to be not altogether groundless when inefficient people were nominated while really better and capable men were available. This

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evil was at no other time so visible as at the time of the last election. My hon. Friend, the previous speaker, has given specific instances. I can add, with the permission of the House, my own experiences, and owing to an evil system, as my hon. Friend, Mr. Saldanha, pointed out instances of what may be called 'perpetual' presidents. The district which I have honour to represent, viz., North Arcot, is groaning under the inequity of such a 'permanent' president. I am speaking from my knowledge of the people of my district and of what people feel there, and I would appeal therefore to the House to insist on the full right of election because it is too late now to delay it, and it does not do well that in these days of reforms we have got only six places to be filled by election out of 25. As regards the minorities, I assure my Mussalman friends and also my hon. Friend, Mr. Veerian, that election will certainly give them better chances of being elected because the world has improved very much, and there is so much of good feeling between the various communities that if district board presidentships are thrown open for election, the minorities are sure to be safeguarded. Of course, I have no objection to any Amendment that may be brought forward to suit minority or special interests.

"As regards the Collector having the power of recommending names, though I am against it on principle, I certainly agree with my hon. Friend, Mr. Veerian, that even that would be better than what is going on at present. I am told that Collectors are afraid to make their own recommendations, because they know that the Ministry would not accept them."

The hon. the RAJA OF PANAGAL :—"May I point out, Sir, that in most of the cases, except where re-nominations were made, the Collectors were consulted and it was on the recommendations of the Collectors that nominations were made."

Sriman BISWANATH DAS Mahasayo :—"To my recollection, in my district, no such thing was done."

The hon. the PRESIDENT :—"Do I understand the hon. Member, Mr. Das, to say that he is aware of all the correspondence that is going on between the Collector and the Government?"

Sriman BISWANATH DAS Mahasayo :—"I have heard that in my district board where nomination was made to the Collector, that nomination was thrown down by the Government, and in his place a man not belonging to the district was nominated. There are glaring instances to show how popular opinion has been set at naught."

Mr. T. ADINARAYANA CHETTIYAR :—"I do not wish to speak on the subject further and I shall conclude by requesting the hon. Members of this House to vote unanimously for the Resolution and not to be deceived by the plausible concession that wherever two-thirds of the members apply for election it will be granted. As the strength of nominated members in the district boards now stands, we cannot easily get two-thirds of the members for sending such a representation to the Government. I, therefore, vote for the original proposition of the hon. Member, Mr. A. Ranganatha Mudaliyar."

Khan Bahadur P. KHALIF-UL-LAH SAHIB :—"May I request you, Sir, Mr. President, to kindly suspend the standing order requiring notice for moving an Amendment as I very much desire to move an Amendment to the proposition which has been moved by my hon. Friend, Mr. Ranganatha Mudaliyar?"

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The permission having been granted, Khan Bahadur P. KHALIF-UL-LAH SAHIB continued :—

“ Mr. President, Sir, whilst thanking you for the kind permission which you granted me to move my Amendment, I will at once place it before the House for its unanimous approval of the same. My Amendment runs as follows :

‘ From the original Resolution, *delete* the words “ unless, for reasons to be notified in the Fort St. George Gazette, the Government decide to the contrary ” and *substitute* the words “ subject to the reservation that nominations may be resorted to for the purpose of securing adequate representation to Mussalman and other minority communities. ”

“ This hon. House has already heard many of my previous speakers, especially the hon. Members, Mr. Saldanha, Mr. S. Arpudaswami Udayar, and Mr. Veerian, speaking more or less on the lines of the Amendment which I have now placed before the House for approval. I do not deny the force of the argument which has been so ably put forward by the hon. Mover of this proposition and my Friend, Mr. Adinarayana Chettiyar, with regard to the utility and the advantage of having a clear rule for elections to the district board presidentship throughout the province. While conceding that principle, I must also point out that there are other points to be considered and other circumstances to be taken note of, which are peculiar to India, viz., India does not contain only one community. It is made up of several communities, some of which command a great majority, while others happen to occupy a position of extreme minority. Of these minority communities, there is not one or two, but a good large number consisting mainly of Muhammadan, Christian and a host of other communities whose interests cannot reasonably be expected to be taken care of by the majority community. By this I do not mean to blame the members that belong to the majority community at all. It is only reasonable on their part to grant that the members of these minority communities know better the wishes of their community than members of the majority communities. Of course my hon. Friend, Mr. Saldanha, referred to what is happening in the Bombay Presidency where there is a sort of convention that the place goes automatically year after year, once to a Muhammadan, another time to a Hindu, and the third time to a Christian and so on by way of rotation. But I beg to draw his attention to the fact that, so far as the Madras Presidency is concerned, we are not yet educated to that high standard of recognizing the real claims of other communities and since a convention has not yet sprung up in this province, I beg to submit that my Amendment must find approval until such a convention gets established in this province also.”

Mr. J. A. SALDANHA :—“ I referred also to Udipi which is part of this province.”

Khan Bahadur P. KHALIF-UL-LAH SAHIB :—“ Of course, I thank my hon. Friend for having drawn my attention to what he said with reference to South Kanara. I beg to point out to my hon. Friend that that is a case of exception to the rule and not the rule. What I want to propose now is that the rule itself should be so altered as to give room for the minority communities, not by way of exception to the rule, but under the rule itself. Of course, the claims of the minorities and the only way of their claims being recognized have been just put forward ably by my hon. Friend from Trichinopoly, Mr. Arpudaswami Udayar, and Mr. Veerian. Therefore I have not

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much to say on that behalf. I only wish to draw attention to what happened quite recently in one of the first-class district boards of this province. My hon. Friend Mr Saldanha just now said that the minority community may not generally suffer under the rules as at present or under the rules that may be framed if the present Motion is carried by this House. I would only point out to him a recent case in which there were two candidates put up for a certain place in a district board and everybody admitted that the candidate from the minority community was certainly preferable on all hands to the other candidate who came from the majority community, I mean from the non-Brahman community. Though every one, at any rate, most of the members were of opinion that the minority candidate was preferable to the other candidate, still, when the voting was taken, it was clearly found that it was the other candidate that had the majority and the candidate that was best fitted for the place had to get defeated. I need not add so many other similar instances which have occurred through the Presidency."

The hon. Rao Bahadur A. P. PATRO:—"May I know if the hon. Member is referring to the Trichinopoly municipality?"

Khan Bahadur P. KHALIF-UL-LAH SAHIB:—"I have already said that it is not with reference to a municipality, but it is with reference to a district board."

The hon. Rao Bahadur A. P. PATRO:—"Which district board?"

Khan Bahadur P. KHALIF-UL-LAH SAHIB:—"Trichinopoly District Board."

The hon. the RAJA OF PANAGAL:—"The President of the Trichinopoly District Board is a nominated president. There is no question of election to that office."

Khan Bahadur P. KHALIF-UL-LAH SAHIB:—"I did not refer to the presidentship at all. I meant the election to the office of the vice-president. It is only by way of example that I draw the attention of the House to what happened with reference not to the presidentship of the district board, but to the vice-presidentship of a very important district board. If that is the case with the office of vice-presidentship, I think it will be much more so in the case of election to the presidentship. That is why I have come forward, as representing a minority community, and as realizing the actual difficulties of a minority community, whether it is Muhammadan or Christian or any other, with this general Amendment including all the minority communities together. I hope it will find the unanimous approval of the House."

Mr. S. SATYAMURTI:—"Mr. President, I rise to second this Amendment moved by my hon. Friend Mr. Khalif-ul-lah with very great delight. It may seem at first sight somewhat strange that one who by conviction and training, is pledged to democratic institutions, election all through and election all round, is found to support an Amendment which may seem reactionary. But I may explain, Sir, that the Resolution which the Chief Minister said he accepted, although this House is much obliged to him, I may respectfully point out, means nothing so far as it concerns the Government. The Resolution as it stands says: 'Unless, for reasons to be notified in the *Fort St. George Gazette*, the Government decide to the contrary.' Therefore, the right of nomination is still conceded by the original Resolution as it stands. But this Amendment says that nomination can be

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made only for certain specific purposes, viz., the representation of minority communities. Much as I hate and loathe nomination, I would rather have nomination for the purpose of promoting the larger interests and the solidarity of this great nation, than for pleasing the whims and caprices of the Minister for Local Self-Government. I would therefore suggest that the Amendment now proposed is much more progressive than the Resolution, although the wording of it may seem somewhat reactionary."

Rao Bahadur C. NATESA MUDALIYAR:—"Mr. President, Sir, I am very glad to find that my hon. Friends, the Muhammadan Members, are taking care of themselves. They want to safeguard their communal claims. I am glad also to find my hon. Friend, the Swarajists' Leader, Mr. Satyamurti, recognizes the communal claims at least as far as our Presidency is concerned. (Laughter.) Sir, I have nothing more to do than to stand here and express my joy at that. Sir, I have been for the last three years struggling hard to safeguard communal claims. I am very glad that I find support in all these groups (Opposition benches).

"Sir, the hon. Member, Mr. Saldanha, was speaking of special cases. He was speaking of taluk boards and municipalities. He never spoke of district boards. Taluk boards and municipalities have got only limited electorates. There is not a single Muhammadan president (district board) in the whole of this Presidency. This fact I brought to the notice of the hon. the Chief Minister, when I was occupying a seat on the Ministerialist benches. Of course I do not know how it escaped his notice."

The RAJA OF RAMNAD:—"May I just say that Sir Muhammad Habib-ul-lah was a district board president?"

Rao Bahadur C. NATESA MUDALIYAR:—"I am not now speaking of the pre-Reform days, but I am speaking of the Ministry days.

"The hon. Member, Mr. Saldanha, was speaking about the Bombay Corporation having one Muhammadan, one Parsi and one Hindu by rotation. It is that rotation we want here too. Moreover, speaking on the Resolution itself, it was tabled because the hon. Member, Mr. Ranganatha Mudaliyar, was dissatisfied with the nominations. I do not know whether this Resolution will serve his purpose. I think the hon. the Minister's assurance was more hopeful than the Resolution itself, and unless this Amendment is carried on with the Resolution, deleting certain words and substituting some other words as the hon. Member, Mr. Khalif-ul-lah's Amendment suggested, I do not think that this Motion itself will be of any use. I hope the hon. the Minister himself will accept the amended Resolution."

Mr. A. RAMASWAMI MUDALIYAR:—"Mr. President, I would like to say a few words on the amendment proposed by my hon. Friend Mr. Khalif-ul-lah. I may say at the very outset, Sir, that having pleaded for communal representation on the floor of this Legislative Council time after time it would not come with good grace if I were to oppose it, nor do my inclinations carry me that way. I have been suggesting, as has been pointed out by my hon. Friend, that every community ought to be properly represented in these local bodies and therefore if I were to suggest a solution to this difficulty of my hon. Friend it would be in this wise,

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"Sir, the Resolution as it stands in the name of Mr. Ranganatha Mudaliyar gives a little wider discretion to the Government, and that wider discretion, I submit, is absolutely necessary. There are tracts like the Agency tracts over which the district board president rules. It is possible that this wide power of election may not fit in with the conditions that exist in the Agency tracts. There is the Nilgiris District Board. It may not be possible for the district board to be given immediately the right of election—I do not say anything on the merits of the question—but it is just possible that here and there, there must be some districts to which, on grounds of public policy, the hon. Minister may not be able to give the right of election. For such cases there ought to be power inherent in him—the power of nomination. Therefore I would suggest, that besides giving effect to the idea of my Muhammadan brethren, the Amendment that I am going to suggest would be in keeping with the spirit of both the Resolution and the idea of the hon. the Mover. I do not formally move my Amendment. Neither have I the power to do so. If I may suggest an Amendment like this and if we might come to an understanding I would request my hon. Friend to withdraw his Amendment and let me put forward mine. What I would propose is this:—

That this Council recommends to the Government that all district boards should be given the right to elect their own presidents unless for securing adequate representation of the Muhammadans and other minority communities or for other reasons to be notified in the Fort St. George Gazette, the Government decide to the contrary.

"My hon. Friend appealed for a unanimous Resolution on this subject. I am perfectly willing to co-operate with him to get that unanimous Resolution. I suggest, and I appeal to him that for the sake of unanimity and for the sake of giving expression to the principle which I profess in common with him, he should withdraw his Amendment and let me, with the permission of the hon. the President and of this House, put forward this Amendment which embodies all the vital principles for which he stands."

The hon. the PRESIDENT:—"Order, order. Will the hon. Member Mr. Khalif-ul-lah Sahib say whether he wishes to withdraw his Amendment on that assurance?"

Khan Bahadur P. KHALIF-UL-LAH SAHIB:—"I take it that the amendment proposed by the hon. Member Mr. Ramaswami Mudaliyar adds another clause which is already found in the original Resolution itself and as such I have no objection to adopt the Amendment proposed."

The hon. the PRESIDENT:—"Will the hon. Member withdraw his own Amendment? The hon. Member Mr. Ramaswami Mudaliyar has asked Mr. Khalif-ul-lah to withdraw his Amendment and promised to put forward his. Honourable Members may decide matters among themselves."

Khan Bahadur P. KHALIF-UL-LAH SAHIB:—"Sir, I request you to allow me two minutes to consult privately the nature of the Amendment with Mr. Ramaswami Mudaliyar."

The hon. the PRESIDENT:—"I have no objection to do so provided it is done outside the Chamber. We will meantime go on with the discussion of the amendment of Mr. Khalif-ul-lah."

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The permission having been granted, Khan Bahadur P. KHALIF-UL-LAH SAHIB continued :—

“ Mr. President, Sir, whilst thanking you for the kind permission which you granted me to move my Amendment, I will at once place it before the House for its unanimous approval of the same. My Amendment runs as follows :

‘ From the original Resolution, *delete* the words “ unless, for reasons to be notified in the Fort St. George Gazette, the Government decide to the contrary ” and *substitute* the words “ subject to the reservation that nominations may be resorted to for the purpose of securing adequate representation to Mussalman and other minority communities. ”

“ This hon. House has already heard many of my previous speakers, especially the hon. Members, Mr. Saldanha, Mr. S. Arpudaswami Udayar, and Mr. Veerian, speaking more or less on the lines of the Amendment which I have now placed before the House for approval. I do not deny the force of the argument which has been so ably put forward by the hon. Mover of this proposition and my Friend, Mr. Adinarayana Chettiyar, with regard to the utility and the advantage of having a clear rule for elections to the district board presidentship throughout the province. While conceding that principle, I must also point out that there are other points to be considered and other circumstances to be taken note of, which are peculiar to India, viz., India does not contain only one community. It is made up of several communities, some of which command a great majority, while others happen to occupy a position of extreme minority. Of these minority communities, there is not one or two, but a good large number consisting mainly of Muhammadan, Christian and a host of other communities whose interests cannot reasonably be expected to be taken care of by the majority community. By this I do not mean to blame the members that belong to the majority community at all. It is only reasonable on their part to grant that the members of these minority communities know better the wishes of their community than members of the majority communities. Of course my hon. Friend, Mr. Saldanha, referred to what is happening in the Bombay Presidency where there is a sort of convention that the place goes automatically year after year, once to a Muhammadan, another time to a Hindu, and the third time to a Christian and so on by way of rotation. But I beg to draw his attention to the fact that, so far as the Madras Presidency is concerned, we are not yet educated to that high standard of recognizing the real claims of other communities and since a convention has not yet sprung up in this province, I beg to submit that my Amendment must find approval until such a convention gets established in this province also.”

Mr. J. A. SALDANHA :—“ I referred also to Udipi which is part of this province.”

Khan Bahadur P. KHALIF-UL-LAH SAHIB :—“ Of course, I thank my hon. Friend for having drawn my attention to what he said with reference to South Kanara. I beg to point out to my hon. Friend that that is a case of exception to the rule and not the rule. What I want to propose now is that the rule itself should be so altered as to give room for the minority communities, not by way of exception to the rule, but under the rule itself. Of course, the claims of the minorities and the only way of their claims being recognized have been just put forward ably by my hon. Friend from Trichinopoly, Mr. Arpudaswami Udayar, and Mr. Veerian. Therefore I have not

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in our country in these boards in order to reach full self-government. It is not our policy to clog the progress of any community. What we object to is that the Justice Party has by appointing the stormy patrols of their party forced the Ministry into a policy of negation and drift. The result is that the taluk boards and the district boards are now full of their proteges.

4-45 p.m. "They allowed the administration of the district boards and taluk boards to go absolutely into disrepair and disuse, and the huge machinery of Local Self-Government became nothing but a party machine. Now, Sir, I may say that I admire the Englishman with all his faults for this thing. Supposing that I personally request a favour from an Englishman, however friendly I may be with him, he will consider and say, yes or no, irrespective of that friendship. If he says 'yes', it is final and if he says the opposite, that also is final. But the Ministers, when the requests proceed from men belonging to the Justice Party, have not got the courage to say 'no' to them because it is a party matter. And the result has been that they have allowed the taluk boards and district boards to go out of their groove. Even now, if the Minister would make up his mind and take the matter into his own hands and not allow himself to be carried away by the party men, I am sure every Member of this House will co-operate with him very loyally and also co-operate with his party, if it pursues its object of the elevation of backward and minority communities. Sir, it has been tom-tomed or, to use a Parliamentary expression, it has been widely advertised that we Muhammadans are a set of non-co-operators who have come into this Council with the object of giving a set back to the Reforms by joining the Swarajists. Nothing is further from our minds, and nothing is more distasteful to us than that. I may, Sir, speaking on behalf of my community, make a clear statement of the policy animating the Muhammadans. We do not want to embarrass the bureaucracy or the Government. We are ready to co-operate with the Government if we find that the Justice Party will so act up to their principles and policy as to advance their future and our future alike. I am sorry I have had to make such an open attack upon the Ministers for their inaction regarding Muhammadans for the last three years. We have come to this House to serve and not to rule, and if any party will come forward with an undertaking that they have come to rule and advance the interests of the country and our community, we will join that party, whether it be the Swaraj Party, the Brahman Party or any other party (hear, hear). Therefore, Sir, without taking up any more time of the House, I may repeat that the hon. the Ministers have allowed themselves to be influenced by the satellites of the Justice Party, they have played into the hands of an undesirable set of people who I am afraid, if this continues long, may ruin the interests of the country, and the sooner they are removed from their places the better. We know personally many facts and a lot of unpleasant things have come to our notice. Therefore I would appeal to the Ministers and the Justice Party to have their eyes wide open even in their future actions and see that their aim of elevating all communities is pursued."

The hon. the PRESIDENT:—"Is the hon. Member Mr. Khalif-ul-lah prepared to make any statement with regard to his amendment?"

Khan Bahadur P. KHALIF-UL-LAH SAHIB:—"Mr. President, Sir, in view of the amendment which is proposed to be moved by Mr. Ramaswami

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Mudaliyar, I beg leave to withdraw my amendment, with the permission of the House."

The amendment was by leave withdrawn.

Mr. A. RAMASWAMI MUDALIYAR:—"Mr. President, Sir, I request that the Standing Orders be suspended so as to permit me to move another amendment to the Resolution moved by Mr. Ranganatha Mudaliyar."

The hon the President then suspended the Standing Order as requested.

Mr. A. RAMASWAMI MUDALIYAR:—"Sir, I beg to move the following amendment to the Resolution under discussion:—

Delete all the words after the word 'unless', and *substitute* therefor the following:—

'for securing the adequate representation of Muhammadans and other minority communities or for other reasons to be notified in the *Fort St. George Gazette*, the Government decide to the contrary.'"

MUHAMMAD YAHYA ALI SAHIB seconded the motion.

Mr. A. RANGANATHA MUDALIYAR:—"Sir, I accept the amendment proposed by Mr. Ramaswami Mudaliyar."

Mr. P. ANJANEYULU:—"May I know, Sir, if the word 'minorities' includes Brahmans?"

The hon. the PRESIDENT:—"I do not know if they are in a minority. The hon. Member must look up the census reports to find out if Brahmans are in a minority."

The hon. the President then put Mr. Ramaswami Mudaliyar's amendment to the vote, and it was carried.

The original resolution, as amended, was then put to the House and carried.

The House then adjourned at 4-50 p.m. to meet again at 11 a.m. the next day.

L. D. SWAMIKANNU,
Secretary to the Legislative Council.

